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The
CONSTITUTIONS
OF THE AMERICAS

The
CONSTITUTIONS
OF THE AMERICAS

(as of January 1, 1948)

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Preface



FOR more than a century, collections, complete or partial, of Latin American constitutions, sometimes included with those of other states, have been published, beginning with the edition by Dufau in 1821-23.¹ With in recent years three editions have been published in Spanish, those by Levene, Lazcano y Mazón, and Pasquel. The time is long overdue, however, for a new edition in English. No complete compilation in that language has been issued since the collection edited by José I. Rodríguez was published by the International Bureau of the American Republics (subsequently the Pan American Union) in two volumes in 1906-7. The collections by Professors Dodd (Walter F. Dodd, *Modern Constitutions* [2 vols.; Chicago, 1909]) and Wright (listed below) each included some but by no means all of the Latin American constitutions.

The constitutions now in force in the several American states are dated as follows: Argentina, May 25, 1853; Bolivia, November 23, 1945; Brazil, September 18, 1946; Canada, March 29, 1867; Chile, September 18, 1925; Colombia, August 5, 1886; Costa Rica, December 7, 1871; Cuba, July 1, 1940; Dominican Republic, January 10, 1947; Ecuador, December 31, 1946; El Salvador, August 13, 1886; Guatemala, March 11, 1945; Haiti, December 23, 1946; Honduras, March 28, 1936; Mexico, February 5, 1917; Nicaragua, March 22, 1939; Panama, March 1, 1946; Paraguay, July 10, 1940; Peru, April 9, 1933; United States, September 17, 1787; Uruguay, March 24, 1934; and Venezuela, July 5, 1947.

Almost all these have been amended, sometimes very comprehensively, on various occasions since their original adoption. The fact that fourteen Latin American constitutions have been adopted *de novo* since the beginning of 1933—though the preservation of principles and provisions from earlier constitutions must be recognized in many instances—and that changes have been made in other constitutions is sufficient *prima facie* proof of the need for a new edition in English.

It might also be argued that anything like the recent frequency of change in constitution-making in Latin America will make any collection partially out of date, perhaps even before its publication. Recognizing that fact, the editors and publisher herewith express the hope that successive editions of this compilation, registering subsequent changes, may be brought out periodi-

x A list of various editions is given below.

dally in order that the usefulness of the translations as a current tool may be maintained.

The antecedents of this volume embrace two separate projects of a similar sort. Mr. Fitzgibbon began work in 1940 aimed at the publication of Latin American constitutions in English translation. Messrs. Gosnell, Strozier, and Stubbs began working independently along the same lines in 1942, with subsequent related studies anticipated. When it was discovered that two more or less parallel projects existed, they were merged—with the present volume as the end product. Because of the increasingly closer community of interests of all the states of the hemisphere, it has seemed desirable to include the Canadian and United States constitutions, thus making the representation complete (unless one argues, technically, for the inclusion of Iceland as a Western Hemisphere state).

The several constitutions as here reproduced are complete except for the omission of all but a few transitory provisions, inasmuch as almost all of such provisions have become obsolete, and the omission of the signatures to the various constitutions. Whenever possible, constitutional amendments have been incorporated with the basic texts themselves; only those amendments or parts of amendments which add substantively to the respective constitutions and which do not yield to integration with the basic texts have been included separately. This practice, as with the omission of transitory provisions and signatures, has been followed primarily to save space but also because of the editors' wish to present the constitutions as nearly as possible as they now exist, with no effort to deal documentarily with successive constitutional changes.

For assistance at various stages in the laborious task of preparing the compilation for publication, the editors gratefully acknowledge indebtedness to the following: Messrs. Marval, Rodríguez Larreta, and O'Farrell of Buenos Aires, Argentina; Judge Otto Schoenrich of the firm of Curtis, Mallet-Prevost, Colt and Mosle, New York; the Carnegie Endowment for International Peace, especially Mr. Henry S. Haskell; the Pan American Union, especially the late Director-General Leo S. Rowe and Librarian Janeiro V. Brooks; the Carnegie Institution of Washington; Dr. Roland D. Hussey and others in the Department of State; officials in the Office of Inter-American Affairs and the Library of Congress; the Washington embassies of the several Latin American states and of Canada, especially Drs. Jorge and Fernando Hazera, formerly of the embassy of Costa Rica; Dr. Antonio Sánchez de Bustamante of Havana, Cuba; Dr. William B. Stern of the Los Angeles County Law Library; members of the Emory University Research Committee, of which Dr. Osborne R. Quayle is chairman; and Dr. Thomas H. English, chairman of the Emory University Library Committee.

The current of world affairs has inevitably operated, especially since 1933, to draw the United States, Canada, and the Latin American states into similar,

or in some instances almost identical, orbits. This means an increasing interest on the part of persons in the United States in the social, intellectual, economic, and political activity of the Latin American republics. One phase of that activity is the constitutional foundation that the various states are building for themselves. It is often inconvenient, or impossible, for those interested in a given Latin American constitution to consult it in the foreign-language text or to search (in most cases vainly) for a translation. Similarly, the British North America Act is not so readily available to students as it should be. This compilation is intended to serve that growing interest.

Some earlier editions of constitutions, containing all or a substantial number of the Latin American constitutions then extant, included the following:

- DUFAU, PIERRE ARMAND; DUVERGIER, J. B.; and GUADET, J. *Collection des constitutions, chartes et lois fondamentales des peuples de l'Europe et des deux Amériques [etc.]*. 7 vols. Paris, 1821-23.
- AROSEMENA, JUSTO. *Constituciones políticas de la América meridional*. 2 vols. Havre, 1870.
- LESIGNANO, PRINCESSE DE. *Les Constitutions de tous les pays civilisés [etc.]*. Brussels, 1880.
- HEREDIA, FRANCISCO DE. *Recopilación de las constituciones vigentes en Europa y América*. 2 vols. Madrid, 1884.
- The Convention Manual of the Sixth New York State Constitutional Convention, 1894*. Vol. III, Part II: *Foreign Constitutions*. Albany, N.Y., 1894.
- OVALLÉ, ESTEVAN. *Código de constituciones vigentes en todas las naciones civilizadas*. Vol. I: *Constituciones de las repúblicas*. 2 vols. Seville, 1897-98.
- CARRANZA, ARTURO B. *Digesto constitucional americano: constituciones nacionales*. 2 vols. Buenos Aires, 1900-1901.
- RODRÍGUEZ, JOSÉ I. *American Constitutions [etc.]*. 2 vols. Washington, D.C., 1906-7.
- POSENER, PAUL. *Die Staatsverfassungen des Erdballs*. Charlottenburg, 1909.
- WRIGHT, HERBERT F. *The Constitutions of the States at War, 1914-1918*. Washington, D.C., 1919.
- PÉREZ SERRANO, NICOLÁS, and POSADA, ADOLFO. *Constituciones de Europa y América*. 2 vols. Madrid, 1927.
- DARESTE DE LA CHAVANNE, FRANÇOIS RODOLPHE, and DARESTE, P. *Les Constitutions modernes*. 6 vols. in 7 (American constitutions in Vol. IV). Paris, 1928-34.
- ALTAMIRA Y CREVEA, RAFAEL. *Constituciones vigentes de los estados americanos*. 3 vols. Madrid, 1929-30.
- MIRKINE-GUETZÉVITCH, BORIS. *Les Constitutions des nations américaines*. Paris, 1932.
- LEVENE, RICARDO. *Historia de América*. 14 vols. (constitutions in Vols. XIII-XIV). Buenos Aires, 1941.
- LAZCANO Y MAZÓN, ANDRÉS MARÍA. *Constituciones políticas de América*. 2 vols. Havana, 1942.
- PASQUEL, LEONARDO. *Las Constituciones de América*. 2 vols. México, D.F., 1943.

JANUARY 1, 1948.

RUSSELL H. FITZGIBBON
CULLEN B. GOSNELL
WILLIAM A. STROZIER
WILLIAM B. STUBBS

Note on Translation and Editorial Style



AN EFFORT has been made to present as accurate a translation of the Latin American constitutions from the Spanish, Portuguese, and French as is possible. The translation—new in each case—is consequently as literal as is consistent with clarity in English. It is impossible under any circumstances to present an absolute equivalent in a second language of anything of length written in any language. Inasmuch as the attempt has been made to adhere to a literal translation, the result in English is often not so “readable” as would be the case if literalness and accuracy had been sacrificed for a more smoothly flowing style. Various dangers are inherent in translation, however, if the primary concern is a “smoothly flowing style”: once literal translation is abandoned, there is an almost inevitable tendency to depart further and further in the attempt to achieve smoothness; the rendering of technical terms into very familiar English equivalents probably breeds an unconscious tendency to assume that the meaning behind the term as used in the original language is identical with the meaning we give to the English equivalent employed, although the sense of the terms may be only similar and not identical. These constitutions being essentially legal documents, an easy literary style is inherently less important than sharpness and refinement of meaning.

In a few cases it has been necessary to depart from literal translation to preserve clarity; thus, a *segunda instancia* in Spanish-American usage is a first appeal as used in the Anglo-American judicial system. It is a simple matter for anyone using this volume to realize that the phrase “continue in his functions” is essentially equivalent to the more familiar “hold office.” It is less easy, however, if one is at all concerned with knowing or sensing what the original phrase was, to associate the second of those English translations with *continuar en sus funciones* than it would be with the first phrase.

All translations have been made from the documents in the original Spanish, Portuguese, and French. For assistance in that work the editors are indebted to the Works Progress Administration translation project formerly operating at the University of California at Los Angeles; to various members of the Department of Spanish at that university, especially Professors Manuel Pedro González and Marion Zeitlin; to Dr. Clifford Prator of the Department of French; and to others.

An attempt has been made to present as uniform an editorial style as is

possible. Thus, even though the originals might differ considerably on such points, this compilation endeavors to be consistent with regard to capitalization, punctuation, use of italics, paragraphing, etc. Where confusion might result from the varying reference in the originals to "clauses," "sections," and other subdivisions, or in the use of Roman numerals or letters to refer to other portions of a constitution, the necessary explanation has been inclosed in brackets. Footnote references have purposely been held to the minimum consistent with clarity.

Foreword



ALL students of political science, as well as a much wider public, owe a debt of gratitude to the Editor, Professor Russell H. Fitzgibbon, and to his collaborators, Professors Cullen B. Gosnell, William A. Strozier, and William B. Stubbs, for this compilation of the constitutions of the American states. They deserve especial commendation for the excellence of the translations from the French, Portuguese, and Spanish.

The mature interest in our relations with the countries of Latin America makes it indispensable that the basic organic statutes of our sister-republics should be available in English.

To have these constitutions thus readily accessible will be particularly useful to American political scientists wishing to evaluate the influence of our Constitution on those of other nations in this hemisphere, to make comparative studies of government functions and structure in the respective countries, or to do research on the way similar constitutional provisions have been put into effect under different economic, social, and political conditions.

LEO S. ROWE (deceased)
*Formerly Director-General
Pan American Union*

Table of Contents

INTRODUCTION: CONSTITUTIONAL DEVELOPMENT IN LATIN AMERICA: A SYNTHESIS	I
I. ARGENTINA	12
Constitution of the Argentine Nation	14
First Part. Declarations, Rights, and Guarantees	14
Second Part. Authorities of the Nation	18
Title I. Federal Government	18
Title II. Provincial Governments	30
II. BOLIVIA	32
Political Constitution of the State	33
First Section. The Nation	33
Second Section. Rights and Guarantees	33
Third Section. Preservation of Public Order	36
Fourth Section. Nationality and Citizenship	38
Fifth Section. Legislative Power	39
Sixth Section. The Congress	41
Seventh Section. Chamber of Deputies	42
Eighth Section. Chamber of Senators	43
Ninth Section. Laws and Resolutions	44
Tenth Section. Executive Power	45
Eleventh Section. Ministers of State	48
Twelfth Section. Local Government	49
Thirteenth Section. Economic and Financial Organization	49
Fourteenth Section. Social Organization	50
Fifteenth Section. The Family	51
Sixteenth Section. Judicial Power	52
Seventeenth Section. Communal Organization	53
Eighteenth Section. Educational System	55
Nineteenth Section. Rural Life	56
Twentieth Section. The Armed Forces	56
Twenty-first Section. Constitutional Amendments	57
III. BRAZIL	58
Constitution of the United States of Brazil	60
Title I. The Federal Organization	60
Title II. Justice in the States	85
Title III. The Public Ministry	87
Title IV. Declaration of Rights	87
Title V. The Economic and Social Order	94
Title VI. The Family, Education, and Culture	97
Title VII. The Armed Forces	99
Title VIII. Public Officials	101
Title IX. General Provisions	102

IV. CANADA	107
The British North America Act, 1867	109
I. Preliminary	109
II. Union	109
III. Executive Power	110
IV. Legislative Power	111
V. Provincial Constitution	117
VI. Distribution of Legislative Powers	121
VII. Judicature	124
VIII. Revenues; Debts; Assets; Taxation	125
IX. Miscellaneous Provisions	127
X. Intercolonial Railway	130
XI. Admission of Other Colonies	131
The British North America Act, 1871	131
The British North America Act, 1886	132
The British North America Act, 1907	133
The British North America Act, 1915	135
V. CHILE	137
Political Constitution of the Republic of Chile	139
Chapter I. The State, Government, and Sovereignty	139
Chapter II. Nationality and Citizenship	139
Chapter III. Constitutional Guarantees	140
Chapter IV. The National Congress	144
Chapter V. The President of the Republic	152
Chapter VI. The Electoral Qualifications Tribunal	157
Chapter VII. The Judiciary	157
Chapter VIII. The Internal Government of the State	159
Chapter IX. Internal Administrative Organization	160
Chapter X. Amendment of the Constitution	163
VI. COLOMBIA	164
Political Constitution of the Republic of Colombia	166
Title I. The Nation and Its Territory	166
Title II. The Inhabitants, Natives, and Foreigners	167
Title III. Civil Rights and Social Guarantees	168
Title IV. Religion and the Relations between the Church and State	173
Title V. National Organs and Public Service	173
Title VI. The Assembling and Functions of the Congress	175
Title VII. The Enactment of Laws	177
Title VIII. The Senate	180
Title IX. The Chamber of Representatives	181
Title X. Provisions Common to Both Chambers, etc.	182
Title XI. The President of the Republic and the Designates	183
Title XII. The Ministers of the Cabinet	188
Title XIII. The Council of State	189
Title XIV. The Public Ministry	190
Title XV. The Administration of Justice	191
Title XVI. The Public Force	194
Title XVII. Elections	194
Title XVIII. Departmental and Municipal Administration	195
Title XIX. The Treasury	198
Title XX. Constitutional Jurisdiction	200

TABLE OF CONTENTS

xv

Title XXI. The Amendment of This Constitution	201
Title XXII. Transitory Provisions	201
VII. COSTA RICA	202
Political Constitution of Costa Rica	203
Title I. The Republic	203
Title II. Costa Ricans, Citizens, Aliens	203
Title III. Guarantees	204
Title IV. Religion	209
Title V. Education	210
Title VI. The Suffrage and Electoral Assemblies	210
Title VII. The Government	210
Title VIII. The Legislative Power	211
Title IX. The Executive Power	217
Title X. The Judiciary	222
Title XI. Municipal Government	223
Title XII. Observance of the Constitution, the Oath, Amendment Constitutional Amendments	224 225
VIII. CUBA	226
Constitution of the Republic of Cuba	227
Title I. The Nation, Its Territory, and Form of Government	227
Title II. Nationality	228
Title III. Alienage	230
Title IV. Fundamental Rights	230
Title V. The Family and Culture	236
Title VI. Labor and Property	240
Title VII. Suffrage and Public Offices	246
Title VIII. The Organs of the State	251
Title IX. The Legislative Power	251
Title X. The Executive Power	259
Title XI. The Vice-President of the Republic	261
Title XII. The Council of Ministers	262
Title XIII. Relations between the Congress and the Government	263
Title XIV. The Judicial Power	265
Title XV. The Municipal System	274
Title XVI. The Provincial System	282
Title XVII. National Finances	285
Title XVIII. State of Emergency	293
Title XIX. The Amendment of the Constitution	294
IX. DOMINICAN REPUBLIC	297
Constitution of the Dominican Republic	299
Title I. The Nation and Its Government; Territory	299
Title II. Individual Rights	299
Title III. Political Rights	301
Title IV. Sovereignty	302
Title V. The Legislative Power	302
Title VI. The Congress	305
Title VII. The Formation of the Laws	307
Title VIII. The Executive Power	308
Title IX. The Judiciary	312
Title X. The Chamber of Accounts	314

Title XI. The Municipal Councils	315
Title XII. The Government of the Provinces	315
Title XIII. Electoral Assemblies	315
Title XIV. The Armed Forces	316
Title XV. General Provisions	316
Title XVI. Constitutional Amendments	320
X. ECUADOR	321
Political Constitution of the Republic of Ecuador	323
First Part. Organization	323
Title I. The Nation, Sovereignty, and Government	323
Title II. Nationality	324
Title III. Citizenship	325
Title IV. Suffrage	325
Title V. The Legislative Function	326
Title VI. The Executive Function	338
Title VII. The Judicial Function	346
Title VIII. Sectional Organization	347
Title IX. The National Budget	348
Title X. Various Organizations	350
Title XI. The Public Force	353
Second Part: Standards of Action	354
Title I. Fundamental Precepts	354
Title II. Guarantees	357
Third Part. The Supremacy of the Constitution and Its Amendment, and Complementary Provisions	362
Transitory Provisions	363
XI. EL SALVADOR	366
Political Constitution of El Salvador	368
Title I. The Nation and the Form of Government	368
Title II. Rights and Guarantees	368
Title III. Salvadorians	372
Title IV. Aliens	373
Title V. Citizenship	373
Title VI. The Legislative Power	374
Title VII. The Executive Power	379
Title VIII. The Judicial Power	382
Title IX. Departmental and Local Government	386
Title X. Elections	387
Title XI. Public Finances	387
Title XII. The Armed Force	390
Title XIII. Public Ministry	391
Title XIV. Family and Labor	392
Title XV. The Responsibility of Public Officials	393
Title XVI. Amendment of the Constitution and Constitutional Laws	395
Title XVII. General Provisions	396
XII. GUATEMALA	397
Constitution of the Republic of Guatemala	398
Title I. General Provisions	398
Title II. Nationality and Citizenship	398
Title III. Individual and Social Guarantees	401

TABLE OF CONTENTS

xvii

Title IV. Economic and Financial System	415
Title V. Legislative	418
Title VI. Executive	425
Title VII. Justice	433
Title VIII. National Finances	436
Title IX. Tribunal and Office of Accounts	437
Title X. Government of the Departments and Municipalities	440
Title XI. Amendment of the Constitution	440
XIII. HAITI	442
Constitution of the Republic of Haiti	444
Title I. The Territory of the Republic	444
Title II. Rights	444
Title III. [Sovereignty, the Legislative, Executive, and Judicial Branches, etc.]	448
Title IV. The Communal Establishment	461
Title V. Primary Assemblies	461
Title VI. Prefectoral Establishment	461
Title VII. Finances	462
Title VIII. The Public Force	464
Title IX. General Provisions	464
Title X. Revision of the Constitution	465
Title XI. Transitory Provisions	465
XIV. HONDURAS	467
Political Constitution of Honduras	469
Title I. The Nation	469
Title II. Nationality and Sovereignty	469
Title III. Rights and Guarantees	472
Title IV. The Form of Government	477
Title V. The Legislative Power	478
Title VI. The Executive Power	483
Title VII. The Judiciary	487
Title VIII. The National Treasury	489
Title IX. The Army	492
Title X. Departmental and Municipal Government	492
Title XI. The Liability of Public Officials	493
Title XII. Labor and the Family	494
Title XIII. Constitutional Laws	495
Title XIV. Amendments and the Observance of the Constitution, etc.	495
XV. MEXICO	496
Political Constitution of the United Mexican States	498
Title I. Guarantees; Mexicans; Aliens; Mexican Citizens	498
Title II. Sovereignty and the Form of Government; Parts of the Federation	517
Title III. Division of Powers; Legislative; Executive; Judicial	518
Title IV. The Responsibilities of Public Officials	540
Title V. The States of the Federation	542
Title VI. Work and Social Security	545
Title VII. General Considerations	550
Title VIII. Amendments to the Constitution	552
Title IX. The Inviolability of the Constitution	553

XVI. NICARAGUA	554
Political Constitution of Nicaragua	556
Preliminary Title. Bases of the State and of Government	556
Title I. Nationality	557
Title II. Aliens	558
Title III. Citizenship	559
Title IV. Constitutional Guarantees	560
Title V. The Legislative Power	569
Title VI. The Executive Power	579
Title VII. The Judicial Power	588
Title VIII. The Public Treasury	592
Title IX. The National District, Departmental and Municipal Administration	595
Title X. Public Officials	597
Title XI. Electoral Justice	598
Title XII. The Army	599
Title XIII. Constitutional Laws	600
Title XIV. The Supremacy of the Constitution, and Its Amendment	600
Title XV. General Provisions	601
Title XVI. Transitory Provisions	602
 XVII. PANAMA	 604
Political Constitution of the Republic of Panama	605
Title I. The Panamanian State	605
Title II. Nationality and Alienship	605
Title III. Individual and Social Rights and Duties	608
Title IV. Political Rights	619
Title V. The Legislative Branch	620
Title VI. The Executive Branch	628
Title VII. The Judicial Branch	633
Title VIII. The Provinces	636
Title IX. The Municipal System	636
Title X. Public Finance	639
Title XI. National Economy	643
Title XII. The Administrative Career	646
Title XIII. The Public Force	648
Title XIV. Jurisdiction of Administrative Litigation	648
Title XV. Amendment of the Constitution	649
 XVIII. PARAGUAY	 652
Constitution of the Republic of Paraguay	653
General Declarations	653
Rights, Obligations, and Guarantees	655
Nationality and Citizenship	657
The Executive Power	658
The Ministers of the Executive Branch	660
The Council of State	661
The Chamber of Representatives	661
Formation and Sanction of Laws	663
The Judiciary	663
Amendment of the Constitution	665

TABLE OF CONTENTS

xix

XIX. PERU	666
Political Constitution of the Republic of Peru	668
Title I. The State, Territory, and Nationality	668
Title II. Constitutional Guarantees	668
Title III. Education	674
Title IV. Citizenship and Suffrage	675
Title V. Legislative Power	675
Title VI. Formation and Promulgation of Laws	680
Title VII. Executive Power	681
Title VIII. Council of National Economy	687
Title IX. Internal Government of the Republic	687
Title X. Departmental and Municipal Administration	688
Title XI. Indian Communities	690
Title XII. Armed Force	691
Title XIII. Judicial Power	691
Title XIV. Religion	693
Title XV. Amendment of the Constitution	693
Title XVI. Transitory Provisions	693
Constitutional Amendments	694
XX. UNITED STATES	695
Constitution of the United States of America	697
Article I	697
Article II	702
Article III	704
Article IV	704
Article V	705
Article VI	706
Constitutional Amendments	706
XXI. URUGUAY	713
Constitution of the Eastern Republic of Uruguay	715
Section I. The Nation and Its Sovereignty	715
Section II. Rights, Duties, and Guarantees	715
Section III. Citizenship, etc.	721
Section IV. The Form of Government, and Its Different Powers	724
Section V. The Legislative Power	724
Section VI. Sessions of the General Assembly, etc.	728
Section VII. The Proposal, Discussion, Passage, and Promulgation of Laws	732
Section VIII. The Relations between the Legislature and the Executive	733
Section IX. The Executive Power	735
Section X. The Ministers of State	739
Section XI. The Council of Ministers	741
Section XII. The Autonomous Entities or Decentralized Services	741
Section XIII. The Public Treasury	743
Section XIV. Council of National Economy	746
Section XV. The Judiciary	747
Section XVI. The Government and Administration of the Departments	751
Section XVII. Administrative Litigation	757
Section XVIII. Electoral Justice	758
Section XIX. Observance; Enforcement and Amendment	759

XXII. VENEZUELA	762
Constitution of the United States of Venezuela	764
Title I. Territory and Political Division	765
Title II. Nationality	766
Title III. Individual and Social Rights and Duties	768
Title IV. Sovereignty and the Public Power	778
Title V. The Municipal Power	782
Title VI. The Power of the States	784
Title VII. The National Power	787
Title VIII. Constitutional Amendments	814
Transitory Provisions	814
BIBLIOGRAPHY	819
INDEX	825

The
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Introduction



Constitutional Development in Latin America: A Synthesis*

Do not give to a people institutions for which it is unripe in the simple faith that the tool will give skill to the workman's hand. Respect Facts. Man is in each country not what we may wish him to be, but what Nature and History have made him.—BAYCE, *Modern Democracies*, I, 206.

WITH minor exceptions, the panorama of constitutional growth in the Western Hemisphere reveals two main streams. The United States constitution, the British North America Act of 1867 (which is the Canadian fundamental law), and the organic laws of the various New World British possessions of today all stem, obviously, from English constitutional and institutional ancestry. The constitutions of the twenty Latin American states, on the other hand, all reflect in varying degree the experience and the institutions of their three mother-countries. These modern constitutions are, it is true, influenced by alien examples at one point or another, but the core is indubitably Latin. More narrowly, the inspiration is Hispanic; and, still more narrowly, Spanish.

It is not easy to explain in detail the degree of similarity between French political institutions and those of the Iberian peninsula in the centuries between the emergence of the several national states and the political revolutions in Latin America. At least, the French belonged to a not unrelated family. A much closer relationship is easily discernible among the political institutions of the three main Iberian entities (that ultimately became the national states of Spain and Portugal), viz., Castile, Aragon, and Portugal. It is often forgotten that for many generations no political or constitutional "Spain" existed, that Aragon and Castile were as distinct from each other in most ways as either of them was from Portugal, that an easily possible union of the ruling houses of Castile and Portugal—supplanting the marriage of Isabella and Ferdinand—might have changed the whole subsequent course of history.¹

Complete amalgamation of Castilian and Aragonese institutions was difficult—indeed, it has scarcely yet taken place, nearly five centuries after that

* Reprinted, with permission, from the *American Political Science Review*, June, 1945.

1. Such a union occurred temporarily, of course, in the "Babylonian captivity" for some decades after 1580.

famous wedding of 1469. It is well known that by far the major activity in Spanish exploration and colonization was that of Castile and that Aragonese influence on the shaping of the New World empire was incidental at best. Hence, though such an Aragonese office as that of the viceroy was early borrowed for both Spanish and Portuguese colonial development, and the *diputación general* finds a modern counterpart of sorts in the *comisión permanente*, most of the stream that watered later Latin American constitutionalism was of Castilian origin.

The cisatlantic shaping of the contemporary and recent political institutions of the Latin American states began at least as early as the first decades of the colonial period. Although it is easy to exaggerate the difference in motives, course, and consequences between Spanish (and, for that matter, Portuguese) and English colonization, important variations did exist. In so far as factors influencing political development were concerned, it is worth while to recall that much of English colonization was undertaken in a conscious or unconscious framework of revolt—not revolt in a formal or political sense but rebellion against the religious, social, or economic constraints that prevailed in England. English governmental neglect was also a factor in explaining their weaker colonial institutions. Spanish colonization, on the other hand, was from the beginning strictly controlled, even regimented, by royal mandate that quickly developed into all the institutional formalism represented by the Council of the Indies. This tendency, and especially the attitude of mind it suggested, had an inevitable effect upon the political institutions of the Spanish colonies, which they transmitted to the independent states succeeding them.

It would be unfair and unsafe to generalize by concluding simply that constitutional development in Spanish colonies represented rigidity while in the English it was characterized by flexibility. The Spanish institutions were in many cases the result of adaptation, of conformity to environment or circumstantial influence. On the whole, however, the degree of variation represented by, say, the three general types of colonial government along the narrow North Atlantic seaboard (the corporate, proprietary, and royal) was almost unknown in all the broad extent of Spanish America.

In view of this general uniformity of pattern throughout the other America it is not surprising that one of the strongest conditioning elements in the whole picture—through thousands of miles of space and hundreds of years of time—has been the seemingly eternal conflict between the centripetal and the centrifugal, between the forces of centralization and those of decentralization. This is age-old. It is by no means limited in the New World to Latin America; the great variety of reflections of the "states' rights question" in the United States through a century and a half is eloquent testimony to its prevalence here. In Europe it has been the problem of devolution in Great

Britain, the pathetic struggle of the German *Länder* to maintain their position, the question of regional or departmental autonomy in France.

In Latin America this conflict has been one of the most persistently present of all factors. When the Emperor Charles V decreed in 1530 that "without our command, it is not our intention or will that the cities and towns of the Indies meet in convention," he was but taking cognizance of this already crystallized problem. When a "decentralization congress" of disaffected Colombian local delegates met at Cartagena in July, 1944, it was reflecting exactly the same problem. Generally speaking, the centralists have had the better of the argument—or at least have usually carried the day—in both the colonial and the independent epochs, but the problem is as lasting and basic as the need for government itself.

In the Spanish colonial government the king and his agents personified the forces of centralization; the *municipalidades* were the bulwark, such as it was, of local autonomy. It is unnecessary to recount all the geographic, social, and economic contributions to one or the other tendency. It is sufficient to remember that during the greater part of the colonial period municipal government languished—that it never attained the splendid vigor it had enjoyed briefly in Castile a few generations before Columbus. The instruments of national unity, such as the uniformity of administration, legislation, and justice, the strong concentration of authority in the royal officials and agencies, and the sustaining hand of the church, all operated, as long as circumstances remained at all normal, to submerge the localist influences.

The thing that introduced abnormality into the picture was the complex combination of factors that focused the movement for independence. In the intervening generations, as is well known, the *cabildos* and *ayuntamientos* had become the governmental haven and almost the only political forum of the creoles. That they represented the shadow of authority without its substance would subsequently be of great significance. The early revolutions were in effect movements for municipal autonomy; their development into campaigns for national independence was in some respects only incidental. With Spanish authority expelled, it became certain that a renewed competition between the two tendencies would ensue. Municipal leaders had in many instances taken the initiative in the politico-military resistance of the second decade of the nineteenth century, and their political stage was largely local. On the other hand, the horizon of the average *caudillo* was bounded only by the limitations of his power.

The narrow political training and experience from which most of those in authority after the winning of independence suffered was one element in the initial incapacity and confusion that characterized the independent governments. Another element was the fact that no native political institutions had been borrowed on the higher levels by the Spanish or were, at the time of the revolutions, available for borrowing. Hence, those in control had to look

abroad and rely on their own judgment in seeking models on which to base their governments.

The search for those models was largely academic and artificial. It was the political philosophers, now having a holiday of constitution-making, who were concerned. As Miss Williams aptly puts it: "What the amateur politicians really attempted was the impossible feat of leaping from political medievalism to modern democracy."² The *caudillos* were much more interested in sheer power. The imitative tendency of the early *constituyentes* became a habit that persisted for a century. It is generally accepted that the United States and France were the sources of constitutional inspiration for the fledgling Latin American states. That is true—but it needs to be qualified. Many governmental agencies, especially on the lower levels, were carried over intact from the colonial era. In numerous constitutions the French influence was funneled through intervening Spanish connections, specifically the liberal constitutions of 1812 and 1820. A recent study has shown, for example, that much of the source for the constitution-making of Central America in the 1820's was not the United States, as has generally been supposed, but rather the Spanish constitution of 1820.

The United States was in a peculiarly favored position to exert an influence. It, like the Latin American states, had had a colonial origin. Its frontier position and other factors resembled those of Latin America. Henry Clay and a few others had aroused a fraternal response through the length of the continents. The prestige and the more than four decades of successful operation of a revolution-born government made it inevitable that the Latin American states would look to their northern neighbor in establishing their own governments. Good examples of this imitation are found in the Venezuelan constitution of 1811, the Mexican of 1824, the Argentine of 1853, and the Brazilian of 1891 (especially the third of those); piecemeal borrowing is present in almost dozens of others.

It is not coincidence that the four states just named represent the outstanding examples of Latin American federations. After all, the great contribution that the United States had to make to the organization of members of the modern community of states was the federal principle. Theoretically, it fitted the needs of those of the Latin American states that were larger in area or were poorly knit by reason of difficulties of topography or transportation. On the whole, however, federalism has not been notably successful in Latin America. It is arguable that, other things being equal, the federal type is more difficult to carry on than either the confederate or the centralized. In the third of those named the national authority need pay only such deference to the component units as graciousness and a sense of fair play dictate: there are no basic constitutional or legal restraints upon its freedom of action. In the confederacy, at the opposite end of the scale, the subdivisions may be as

² *Peoples and Politics of Latin America*, p. 351.

cavalier as they wish toward the central government. Neither type calls for any fundamental attitude of adjustment or compromise. Of course, it can also be argued that from the point of view of practical operation the confederacy is the most difficult to preserve, as witness the experience of the United States between 1781 and 1789.

Federations find it extremely difficult to maintain the status quo of any given time. The trend, as suggested previously, is usually toward centralization. The only significant difference in this respect between Latin America and Anglo-America is that in the former the movement has suffered less retardation by the tradition of local self-government. In Brazil, for example, the process has undergone such acceleration and formalization in recent years that it is now a fair question as to whether federalism still prevails in that republic. The process has not been uniform; Colombia and some other states have oscillated. But in most federations the principle itself has suffered—the Latin American examples almost appear to furnish support to those who maintain that federalism is, after all, only a transitional form of government. Thus, one of the great constitutional principles of the United States, imitated in several of her Latin American sister-states, has been largely modified in all, practically abandoned in one.

The separation and co-ordination of powers is another of the deeply rooted principles of the constitutional system of the United States. In part it was due to colonial experience, in part it found its inspiration in Montesquieu's *L'Esprit des lois*. The early Latin American constitutional architects looked upon it and found it good. It was regarded in the United States as a great guarantee against tyranny, and this was considered commendable in Latin America. People in that area had had more experience with arbitrary and tyrannical government than those in the British colonies. That the principle, in addition, had a French theoretic foundation was no discredit. It was all but universally adopted in the scores of Latin American constitutions of all generations. This principle, too, and the system of checks and balances by which it has been implemented, have been profoundly modified in their application in Latin American constitutional systems. "Executive dominance" is an even more common phenomenon in those states than times of crisis have shown it to be in the United States.

It is in order to cite one further constitutional principle that can be said to be borrowed in part from United States practice and precept. It is that of the protection of private rights. The foundation of United States documentary development of this principle was, of course, the English Bill of Rights of 1689, a great parliamentary milestone in the constitutional history of the mother-country. The French Declaration of the Rights of Man and of the Citizen was also a pillar of fire in this regard. Thus, the United States can by no means claim exclusive credit for the inspiration of the Latin American

constitutions at this point, although in many of them a definite phrasological similarity is apparent.

The principal borrowing of Latin American constitutionalism from French sources was in the intangible realm of philosophy. Not only in regard to the specific philosophical foundations of one constitution or another were the Latin Americans indebted to the French, but also for the broader egalitarian and republican thought of various eighteenth-century French intellectuals. It is difficult for people in the United States to realize the extent and depth of attraction the Gallic mind has had for generations for Latin Americans. This was as true in the field of constitution-making as in other areas. It was more true, indeed, a hundred years ago than it has been in recent times because of the greater restriction of Latin American intellectual horizons in the early period. Rousseau, Voltaire, and Montesquieu were more familiar to and more influential upon early Latin American leaders than were Jefferson, Paine, Locke, and other United States and English thinkers. The finely developed logic of early French constitutions and the artistic symmetry of their political institutions had a strong effect as the Latin Americans essayed their first steps in these directions.

But there are concrete points, as well, that show the French influence on Latin American constitutions. The council of state, found in several Latin American systems at one time or another, owes more to the French than to any other alien model. Parliamentary interpellation as some Latin American states work it out resembles the pre-war French practice probably more than the British. The requirement of ministerial signatures to authenticate acts of the presidents is a borrowing from the French. The whole pattern of "decree legislation" is similar to what prevailed in France rather than elsewhere. The scheme of courts of administrative litigation (*tribunales de lo contencioso administrativo*) resembles the former French system of administrative courts. The *ministro de gobernación* is much more akin to the former French minister of the interior than he is to any British or United States official. Police organization, the development of municipal administration, the device of proportional representation, and the structure of law codes are other specific instances of French influence. The multiparty systems of some Latin American states have much less in common with the biparty pattern of the United States or Great Britain than with the former French party picture, though at this point it must be admitted that the resemblance is more accidental than intentional.

The influence of English sources upon Latin American constitution-making was considerably less than that of United States or French models, except, of course, as the United States system was itself molded by its English inheritance. At the formative stage of Latin American constitutional development, contacts with Britain (other than commercial) were comparatively unimportant. If it is assumed that parliamentary or cabinet government is an English

contribution to the world's constitutional evolution—and certainly that country furnished the prototype—then the few Latin American states that have experimented with it might be said to be indebted to England at that point. But parliamentary government has encountered particularly rough weather in Latin American latitudes. Neither Brazil under Dom Pedro, Chile from 1890 to 1920, nor Cuba since 1940 furnishes a complete or satisfactory example of the operation of genuine parliamentary government. The inspiration for ministerial participation in congressional debate is perhaps as much British as French. Habeas corpus and jury trial are devices of English origin, but the latter, in particular, has never taken deep root in Latin America.

In a few instances the authors of Latin American constitutions, dissatisfied with what the United States and France could furnish, turned to ancient Greece and Rome for inspiration, usually with bizarre and impractical results. The classic example is the famous Bolivian constitution of 1826, the best documentary embodiment of Bolívar's own ideas of the desirable organization of a state.

Just as the early leaders' lack of practical experience with the hard realities of politics pointed toward ill-considered imitation of foreign models, the latter in its turn made almost certain the artificiality and naïveté that were so characteristic of many of the early basic laws. Moral precepts, endless philosophizing, fantastic rhetoric, and elaborately impractical governmental machinery were common in the first constitutions. The early constituent assemblies were devoted to symbol words—the French trinity of liberty, equality, and fraternity, of course, and federalism, democracy, unity, and others—and these were clothed with an almost sacramental virtue; the approach was ritualistic, in other words. Gradually the appearance of callowness and immaturity was sloughed off in successive documents, but there long prevailed the unconscious feeling that a written constitution was the panacea for all political ills and that if one proved unsatisfactory all that needed to be done was to draft another. That attitude explains in part the passion for constitution-making as a means of regularizing a revolutionary regime: a new fundamental law of his own drafting (though perhaps little changed from its predecessor) gave a president who came into office by a *coup* or a revolution a feeling of greater legal security and solidity.

The passing decades of the nineteenth century gave the Latin American states various opportunities to shake off the dead hand of tradition from their successive constitutions. Despite piecemeal experimentation now and then, no nineteenth-century constitution made a successful break with the past. The closest approach was in the Mexican constitution of 1857. That document was born of profoundly disturbed conditions, and it did, indeed, reflect contemporary revolutionary thought in its anticlerical and other provisions. Had the constitution of 1857 had a fair chance to prove itself, it might have attained the stature of its successor as an innovator. But the early succession of the

Maximilianic interlude and the long grip of *porfiriismo* effectively prevented any honest attempt to apply the spirit of that constitution—it was consistently honored in the breach rather than the observance. Another important constitution of the century, the Brazilian of 1891, again reverted to that of the United States for its inspiration. The quick recognition that the United States had extended the newborn republic, the traditional Brazilian friendship for its North American sister-state, and the prestige the United States then enjoyed as a prototype of republicanism made such imitation virtually inevitable.

The year 1917 is probably the most significant date in the whole panorama of Latin American constitutionalism. It was the year of the adoption of the new Mexican basic law at Querétaro. This document, like its predecessor, was the product of deep disturbances. But the difficulties that in the mid-1850's had been chiefly religioeconomic had now broadened and reflected social facets, too. Politics at either time was but the outward manifestation of the other forms of cleavage. The constitutions, in turn, were only the crystallization of the political thought of the moment.

The broader matrix in which the new Mexican constitution was set was also significantly different from that of three-score years earlier. It is true that at the earlier time Mexico's northern neighbor was rapidly plunging toward an abyss, but it was a local crisis. Latin American conditions and the general world picture were placidly Victorian. Hence, the waves of influence that would have spread out from the constitution of 1857—even assuming they were not to be dammed by the French intervention—might easily have fallen on unresponsive shores. In 1917 the situation was radically changed. The World War had been rocking preconceived notions for almost three years. Military collapse was full upon Russia as the Mexican convention was ending its work, and the social and economic earthquake soon to come in eastern Europe was already rumbling. Though the Latin American area was but casually involved in the war, it could not escape the impact of the conflict. Closer at home, the changed relationship of the United States to Latin America since the turn of the century was raising questions that were disturbing—the answers to which the states of the south could not yet give.

New constitutional currents would soon make their appearance in Russia, in the Baltic and Austro-Hungarian succession states, in the Weimar document in Germany, and later in the Spanish republican constitution and elsewhere. The new departure in Mexico antedated all of these, however, and hence, in a narrow sense, it may be described as the product of a strictly national situation. Viewed more broadly, it mirrored a situation that was well-nigh world-wide and certain to come into focus. It was simply Mexico's fate to have the changes crystallize there at an earlier date than they did elsewhere. Had it not been Mexico, some other Latin American state would soon have won the distinction, at least as within Latin America,

That the changed direction and emphasis were certain does not, however,

lessen the significance of the Mexican constitution. Its principles and provisions have been borrowed in varying degree by almost every Latin American constitution subsequently drafted. The Querétaro law provided a formal expression of the political thought of a new generation. The World War had closed the door on what may be called the period of imitation, and the Latin American states were now ready, a century after independence had been won, to write constitutions that would be more inherently national than any that had gone before. Latin American constitution-making had come of age. In the respect that the Querétaro constitution introduced this new era it may be regarded as symbolically Latin American rather than narrowly Mexican.

The dominant note in the Mexican constitution is its strong and conscious nationalism, both political and economic. Latin American basic laws had regularly prescribed sovereignty and independence, but the Mexican document goes far beyond perfunctory requirements in that direction. This heightened consciousness of nationalism is one of the significantly outstanding political phenomena of contemporary Latin America; and one of the first places where it found formal expression was the Mexican constitution of 1917.

Another of the basic innovations of the new constitutionalism—again illustrated by Mexico—is that “private” property is a social function and that individual rights relating to it can and must be subordinated to the social welfare. The Mexican constitution does not declare this principle as roundly as some of the others,³ but its famous Article 27 set the pace for later statements. The Mexicans, because of the long controversies over petroleum and land, were particularly concerned with problems of ownership and expropriation. It was an outstanding illustration of economic nationalism. A consequence was the related trend toward constitutionalizing the “Calvo clause,” the provision that an alien should be estopped from ordinary appeal to his country’s diplomatic representatives in support of claims. The whole attitude at such points was distinctly at variance with the nineteenth-century tendency to emphasize the doctrines of the natural rights of man and of economic individualism.

It was not alone in the economic seas that new courses were being charted. The same was true of social waters. Mexico’s equally famous Article 123 has been called Latin American labor’s Magna Charta—an overrhetorical characterization, no doubt, but still a suggestion of the degree of departure from earlier constitutional channels. Virtually statutory detail concerning all aspects of labor regulation, prohibition of monopolies, restriction of the competition of foreign labor, social security, and provision for the educational and cultural advancement of the working classes are typical of the bold imagination shown

3. The Peruvian constitution, for example, says (in Art. 34): “Property must be used in harmony with the social interest” and that of Nicaragua states (in Art. 65) that “property by virtue of its social function imposes obligations.”

by Latin American constitution-makers in these socioeconomic fields in the past quarter-century.

Both in recognition of groups—the family, the trade-union, cultural organizations—and in emphasis on individual and group obligations as well as rights the new Latin American constitutions are at one with their postwar European counterparts. It is society that is stressed, rather than the individuals who make up society. It is a further illustration of a distinctly twentieth-century attitude rather than that of the eighteenth century, when modern constitutions first began to be written.

In its strictures on religious organization and activity the Mexican constitution is less typical. Here, again, the provisions must be set in perspective. "The conflict between the civil power and the clergy" (to borrow the title of a semiofficial government apologia of several years ago) had been carved in higher relief in Mexico than anywhere else in Latin America. It was only natural, consequently, that in other Latin American states the religious and ecclesiastical provisions of the constitutions should be couched in more moderate terms, even moving in some instances toward an advanced degree of religious toleration though at the same time illustrating a tendency toward separation of church and government.

Greater Latin American willingness to experiment has also been reflected in innovations in the structure of governmental machinery and organization. It was no new sort of move when Chile in 1925 formally abandoned the parliamentary system with which it had been struggling for a third of a century; return to the presidential pattern was simply a reversion to type. But when Cuba fifteen years later adopted a semi-parliamentary scheme, that did represent more of a novel step. Peru in 1920 made guarded gestures toward constitutionalizing a species of political regionalism (without going the full distance toward federalism), but the plan was never fully implemented. Uruguay in 1919 began a not altogether happy experiment of a decade and a half with a bifurcated executive branch. Two or three states have taken tentative steps in the direction of functional legislative representation. Cuba has made provision for optional forms of municipal government.

Possibly the most important, though certainly not the most spectacular, experiments of this kind are the provisions in several constitutions, notably that of Brazil of 1937, for technical advances in public administration. In some cases such provisions are perhaps nothing more than imitative gestures, but in others they doubtless possess genuine substance. Traditional executive dominance may thus come to be supplemented by a professionally trained bureaucracy. Whether this means re-enforcement or restriction for an arbitrary president depends upon the bent given this evolution in the years to come, a question it is yet too early to answer. It is worth while to point out, however, that a development of this sort could conceivably exercise a democratic and leavening influence.

It has long been customary for commentators to point out the divergence between constitutional prescription and governmental practice in Latin America. Another way of putting it is to say that the basic laws have often served as symbols rather than as instruments. Such comments have usually been made in conscious or unconscious disparagement. It seems in order to suggest, however, as scientifically as may be, that to the extent that those characterizations are true it is because for so many decades Latin American constitutions failed to be the creatures of their own environment; they were simply alien adoptions and adaptations. In the last two or three decades that condition has been much less true. Social forces such as education, trade-union activity, and others now have an increasing impact. It hence seems logical to conclude that with the gradual accretion of experience along these new lines the divergence between governmental fact and constitutional theory will decrease, that most fundamental laws will ultimately come to be instruments as well as symbols. The Mexican constitution has gained prestige—if not a halo or perhaps even a “tradition”—from more than a quarter of a century of application. Chile’s basic law is now two decades old. Colombia’s and Costa Rica’s are venerable by comparison. And in Argentina the ninety-two-year-old constitution, though temporarily sidetracked, is by no means the less a tradition and force in the popular mind. On the other hand, of course, many constitutions have been replaced in the last decade (often with little change), and the period since mid-1944 has seen four abrogated. In general, however, there is a wholesome and increasing tendency to regard a Latin American constitution as something not to be cavalierly brushed aside if its observance becomes inconvenient. The inclination to give weight to Viscount Bryce’s dictum, with which this discussion begins, gains ground.

A qualification or two must be added. It is still a typical Latin American approach to make new constitutions the product of reason, to base them upon what ideally ought to be. Hence, in some respects, they are anticipatory and particular provisions may, for many years, lack supporting legislation or even the popular approval to make them effective. In the United States, on the contrary, constitutional changes customarily represent long-debated and finally crystallized public opinion; it is natural that the latter approach should give the appearance of a more practical and enforceable document. As Dr. Gil Borges once put it, the United States attitude is realistic, the Latin American logical. Then, too, the informal growth of constitutions differs importantly as between Anglo-America and Latin America. In the former “convention” and custom play a larger role. The development and influence of judicial review also differ in the two areas.

Until the hemisphere and the world see the end of a period comparable in significance to that that closed with the second decade of this century we may expect to see present basic trends in Latin American constitution-making continue. No one can tell what may happen in a succeeding epoch.

Argentina



ALTHOUGH the steps leading to Argentine independence from Spain began as early as 1806, nothing that may be called a constitutional development in the strict sense of the term occurred for several years thereafter. The colonial political organization of the Viceroyalty of La Plata had been such as to induce a considerable political consciousness on the part of the urban centers of the hinterland provinces. The result was that the problem of a choice between a federal or a unitary government entered immediately and basically into the picture once the course was definitely set toward independence.

The final declaration of independence—at Tucumán, July 9, 1816—had been preceded by certain documents of constitutional significance. During the days when pseudo-subjection to the imprisoned Spanish king was maintained, a document was issued bearing the formal title of *Reglamento de la junta conservadora de la autoridad del Señor don Fernando VII*, under date of October 12, 1811. This was quickly followed by a federalistic Provisional Statute of Government of the United Provinces of the Rio de la Plata on November 22, 1811. What may be called the first national government, organized in 1813, was federal in character.

A congress meeting at Buenos Aires some years later adopted a strongly aristocratic and centralistic constitution, dated April 22, 1819. Friction between Buenos Aires and the inland provinces continued. In January, 1822, representatives of the provinces of Sante Fé, Entre Ríos, Corrientes, and Buenos Aires signed a treaty of peace, friendship, and union which was intended to form the basis for a general restoration of political ties. A tentative plan of union drafted at Buenos Aires on January 23, 1825, proved unacceptable to the provinces. Unitarians soon succeeded in gaining dominance and influenced the drafting of the constitution of July 19, 1826. This centralistic document was modeled on that of 1819.

After Rosas succeeded to power in the late 1820's, the government operated on a fictitiously federal basis (although it was actually extra-constitutional) until the dictator's downfall early in 1852. The governors of eleven provinces, including Buenos Aires, signed an agreement at San Nicolás on May 31, 1852, looking to the holding of a constituent convention. Buenos Aires province declined to ratify and consummate the agreement, but the convention met, nevertheless, at Sante Fé in November, 1852, and on May 1, 1853, signed the present Argentine basic law, which was proclaimed on May 25; it is hence the

oldest of the Latin American constitutions now in force.¹ In large measure the constitution of 1853 was the work of Alberdi. His *Bases y puntos de partida para la organización política de la República Argentina* strongly influenced the constituent assembly, and, at the request of the latter, Alberdi prepared a draft constitution which, after some changes, was adopted by the convention. The document reflected influence by the Argentine constitution of 1826, the United States constitution, and the California state constitution (1850); Alberdi had hoped, indeed, to be able to work out a compromise between the federal and the unitary forms of government.

The national capital was located temporarily at Paraná. Continuing friction between Buenos Aires province and the others ultimately resulted in a brief civil war. As a compromise, constitutional amendments were adopted in September, 1860, to protect the position of Buenos Aires, following which the principal province again entered the union. The "capital question" was permanently settled by the federalization of the municipality of Buenos Aires as the national capital in 1880 and the establishment of a new provincial capital at La Plata.

1. A technical claim can be made that the present constitution dates only from 1860

CONSTITUTION OF THE ARGENTINE NATION

We, the representatives of the people of the Argentine Nation, assembled in General Constituent Congress by the will and election of the Provinces that compose it, in fulfillment of pre-existing pacts, with the object of constituting a national union, establishing justice, consolidating internal peace, providing for the common defense, promoting the general welfare, and securing the blessings of liberty to ourselves, to our posterity, and to all men in the world who wish to dwell in the Argentine land: invoking the protection of God, source of all reason and justice, do ordain, decree, and establish this Constitution for the Argentine Nation. ,

FIRST PART

SOLE CHAPTER

Declarations, Rights, and Guarantees

ARTICLE 1. The Argentine Nation adopts for its government the representative, republican, federal form, as established by the present Constitution.

ART. 2. The federal Government supports the Roman Catholic Apostolic Church.

ART. 3. The authorities who exercise the federal Government shall reside in the city that is declared the capital of the Republic by a special law of the Congress, after cession made by one or more provincial legislatures of the territory to be federalized.

ART. 4. The federal Government provides for the expenses of the Nation with the funds of the national treasury, formed with the proceeds of import and export duties; with those of the sale or lease of lands of national property; with the post-office revenue; with whatever other contributions shall equitably and proportionately be imposed upon the population by the general Congress; and by whatever loans and credit operations shall be decreed by the same Congress for emergencies of the Nation or for undertakings of national utility.

ART. 5. Each Province shall adopt for itself a constitution, under the republican, representative system, in accordance with the principles, declarations, and guarantees of the national Constitution, insuring its administration of justice, municipal government, and primary education. Under these conditions, the federal Government guarantees to each one of the Provinces the enjoyment and exercise of its institutions.

ART. 6. The federal Government may intervene in the territory of the Province in order to guarantee the republican form of government, or to repel

foreign invasions, and at the request of their constituted authorities, to support or re-establish them, should they have been deposed by sedition or invasion from another Province.

ART. 7. The public acts and judicial procedures of one Province enjoy full faith in the others; and the Congress can, by general laws, determine which shall be the probative form of these acts and procedures, and the legal effects that they shall have.

ART. 8. The citizens of each Province enjoy all the rights, privileges, and immunities inherent in the status of citizens in the others. The extradition of criminals is a reciprocal obligation among all of the Provinces.

ART. 9. Throughout the territory of the Nation there shall be no other customs houses than the national ones, in which tariffs sanctioned by the Congress shall be in force.

ART. 10. The circulation of goods of national production or manufacture is free from duties in the interior of the Republic, as is also that of goods and merchandise of all kinds dispatched through the national customs houses.

ART. 11. Articles of national or foreign production or manufacture, as well as live stock of all kinds, that may pass through the territory of one Province to another, shall be free from so-called transit duties, as likewise the vehicles, ships, or beasts in or on which they are transported; and no other duty, whatever its name may be, shall be imposed on them by their passing through the territory.

ART. 12. Ships bound from one Province to another, shall not be obliged to enter, anchor, and pay duties by reason of transit; it not being allowed in any case whatsoever to grant preferences to any one port in respect to another, by means of trading laws or regulations.

ART. 13. New Provinces may be admitted into the Nation; but a Province cannot be established in the territory of another or others, nor one formed from several, without the consent of the legislatures of the interested Provinces and of the Congress.

ART. 14. All inhabitants of the Nation enjoy the following rights, in accordance with the laws that regulate their exercise, namely: of working and practicing any legal industry; of navigating and trading; of petitioning the authorities; of entering, remaining in, traveling through, and leaving the Argentine territory; of publishing their ideas through the press without previous censorship; of using and disposing of their property; of associating for useful purposes; of freely professing their religion; of teaching and learning.

ART. 15. In the Argentine Nation there are no slaves; the few that exist today are free from the promulgation of this Constitution; and a special law shall regulate whatever indemnifications to which this declaration may give rise. Any contract for the purchase or sale of persons is a crime for which those committing it, and the notary or officer authorizing it, shall be responsible. And slaves, whatever the manner in which they shall be introduced,

shall be free by the mere fact of setting foot on the territory of the Republic.

Arr. 16. The Argentine Nation does not admit prerogatives of blood or of birth; in it there are no personal privileges, nor titles of nobility. All its inhabitants are equal before the law, and admissible for employment without any other requisite than fitness. Equality is the basis of taxation and of the public burdens.

Arr. 17. Property is inviolable, and no inhabitant of the Nation can be deprived thereof except by virtue of a sentence founded on law. Expropriation for reasons of public utility must be authorized by law and previously compensated. The Congress alone imposes the taxes mentioned in Article 4. No personal service can be required except by virtue of a law or sentence based on law. All authors or inventors are exclusive proprietors of their work, invention, or discovery for the term granted them by law. The confiscation of property is stricken out forever from the Argentine penal code. No armed body may make requisitions, or demand assistance of any kind.

Arr. 18. No inhabitant of the Nation may be punished without previous trial, based on an earlier law than the date of the offense, nor tried by special commissions, nor removed from the judges designated by law before the date of the trial. No one can be compelled to testify against himself or be arrested except by virtue of a written order from a competent authority. The defense, by trial, of the person and of rights is inviolable. The domicile is inviolable, as also epistolary correspondence and private papers; and a law shall determine in what cases and for what reasons their search and seizure will be allowed. The penalty of death for political offenses, all kinds of torture, and whipping, are forever abolished. The prisons of the Nation shall be healthy and clean, for the safety and not for the punishment of the prisoners confined in them; and any measure that under pretext of precaution inflicts on them hardship beyond what the Nation demands, will bring responsibility upon the judge who authorizes it.

Arr. 19. The private actions of men that in no way offend public order or morality, nor hurt a third party, are reserved only to God, and are exempt from the authority of the magistrates. No inhabitant of the Nation shall be obliged to do what the law does not command nor deprived of what it does not forbid.

Arr. 20. Aliens enjoy in the territory of the Nation all of the civil rights of the citizen; they may exercise their industry, commerce, and profession; own landed property, purchase it, and sell it; navigate the rivers and coasts; freely practice their religion; make their wills and marry in accordance with the laws. They are not obliged to assume citizenship, nor to pay forced extraordinary taxes. They may obtain naturalization by residing two continuous years in the Nation; but the authorities may shorten this term in favor of any one so requesting, on adducing and proving services to the Republic.

ART. 21. Every Argentine citizen is obliged to arm himself in defense of the Fatherland and of this Constitution, in accordance with whatever laws the Congress shall enact for the purpose and with the decrees of the national Executive. Citizens by naturalization are free to render this service or not for a term of ten years counting from the date on which they obtain their letters of citizenship.

ART. 22. The people do not deliberate or govern except through their representatives and authorities created by this Constitution. Any armed force or meeting of persons assuming the rights of the people and petitioning in the latter's name, commits the crime of sedition.

ART. 23. In case of internal commotion or foreign attack endangering the exercise of this Constitution and of the authorities created by it, the Province or territory in which the disturbance of order exists shall be declared in a state of siege, the constitutional guarantees there being suspended. But during this suspension the President of the Republic shall not condemn by himself nor apply penalties. His power shall be limited, in such a case, with respect to persons, to arresting them or conveying them from one point of the Nation to another, if they should not prefer to leave the Argentine territory.

ART. 24. The Congress shall promote the amendment of the present legislation in all its branches, and the establishment of trials by juries.

ART. 25. The federal Government shall develop European immigration; and shall not be able to restrict, limit, or burden with any tax whatsoever the entrance into Argentine territory of aliens who arrive with the object of tilling the ground, improving the industries, and introducing and teaching the sciences and arts.

ART. 26. Navigation of the internal rivers of the Nation is free for all flags, subject only to the regulations that are enacted by the national authority.

ART. 27. The federal Government is obliged to strengthen its relations of peace and commerce with foreign powers, by means of treaties that are in conformity with the principles of public law laid down by this Constitution.

ART. 28. The principles, guarantees, and rights recognized in the foregoing articles, shall not be altered by the laws that are to regulate their exercise.

ART. 29. The Congress shall not confer on the national Executive, nor the provincial legislatures on the governors of the Provinces, extraordinary powers, nor the whole of the public authority, nor grant them submission or supremacy, whereby the life, honor, or fortunes of Argentines will be at the mercy of governments or of any person whatever. Acts of this nature are irreparably invalid, and will bring whoever performs, allows, or signs them, under the responsibility and penalties of infamous traitors to the Fatherland.

ART. 30. The Constitution may be amended entirely or in any of its parts. The necessity of amendment must be declared by the Congress by a vote of at least two-thirds of its members; but it shall not be effected except by a convention called for the purpose.

ART. 31. This Constitution, the laws of the Nation enacted by the Congress in consequence thereof, and treaties with foreign powers, are the supreme law of the Nation; and the authorities of each Province are obliged to conform to them, notwithstanding any provision to the contrary that the provincial laws or constitutions may contain, except, for the Province of Buenos Aires, the treaties ratified after the pact of November 11th, 1859.

ART. 32. The federal Congress shall not enact laws that restrict the liberty of the press or that establish federal jurisdiction over it.

ART. 33. The declarations, rights, and guarantees that the Constitution enumerates shall not be considered as a denial of other rights and guarantees not enumerated, but which rise from the principle of the sovereignty of the people and of the republican form of government.

ART. 34. The judges of the federal courts cannot at the same time hold an office in the provincial tribunals, nor does the federal service, whether civil or military, give a right of residence in the Province in which it is performed unless it is where the employee habitually resides, this being understood as to the right of obtaining employment in the Province in which he accidentally resides.

ART. 35. The denominations successively adopted from 1810 up to the present, namely: "United Provinces of the Rio de la Plata," "Argentine Republic," "Argentine Confederation," shall henceforth be official names indistinctively for the designation of the government and territory of the Provinces, the words "Argentine Nation" being used in the formation and sanction of the laws.

SECOND PART

Authorities of the Nation

TITLE I

Federal Government

FIRST SECTION

Concerning the Legislative Power

ART. 36. A Congress consisting of two Chambers, one of Deputies of the Nation and the other of Senators of the Provinces and of the capital, shall be vested with the legislative power of the Nation.

CHAPTER I

The Chamber of Deputies

ART. 37. The Chamber of Deputies will be formed by representatives directly elected by the people of the Provinces and of the capital, which are considered in this respect as electoral districts of one single State, and by a simple plurality of votes.

The number of representatives will be one for every 33,000 inhabitants or fraction no smaller than 16,500. After the completion of each census the Congress will determine the representation in accordance with the census referred to, being able to increase, but not to lessen, the basis indicated for each Deputy.

ART. 38. The Deputies for the first legislative session will be appointed in the following proportion: for the Province of Buenos Aires, twelve; for that of Córdoba, six; for that of Catamarca, three; for that of Corrientes, four; for that of Entre Ríos, two; for that of Jujuy, two; for that of Mendoza, three; for that of La Rioja, two; for that of Salta, three; for that of Santiago, four; for that of San Juan, two; for that of Sante Fé, two; for that of San Luís, two; for that of Tucumán, three.

ART. 39. For the second legislative session the general census shall be taken and the number of Deputies shall then be arranged according to it; but this census can be renewed only every ten years.

ART. 40. To be a Deputy it is necessary to have attained to the age of twenty-five years, to have been four years an active citizen; to have been born in the Province that elects him or to have two years of continuous residence in it.

ART. 41. For this time the legislatures of the Provinces will regulate the means by which the direct election of Deputies of the Nation must take place; for the future, the Congress shall enact a general law.

ART. 42. The Deputies continue in their office for four years and may be re-elected; but the Chamber shall be renewed by half every two years; to this end those named for the first Legislature, once they meet, shall draw lots for those who must retire after the first period.

ART. 43. In case of vacancy, the government of the Province or of the capital shall order a legal election for a new member.

ART. 44. The initiative of the laws relating to taxes and the recruiting of troops belongs exclusively to the Chamber of Deputies.

ART. 45. The Chamber of Deputies exclusively has the power to accuse before the Senate, the President, Vice-President, their Ministers, and the members of the Supreme Court and the other and inferior tribunals of the Nation in such cases of responsibility as are initiated against them by reason of bad performance of their duties or for crimes in exercise of their offices; or for common crimes, after taking notice of them and having declared that there is cause for trial, by a majority of two-thirds of the members present.

CHAPTER II

Concerning the Senate

ART. 46. The Senate shall be composed of two Senators from each Province chosen by the legislature by a plurality of votes, and two from the capital

electd in the form prescribed for the election of the President of the Nation. Each Senator shall have one vote.

ART. 47. The requirements to be elected Senator are: to have attained to the age of thirty years, to have been six years a citizen of the Nation, to enjoy an annual income of 2,000 *pesos*, or an equivalent salary, to have been born in the Province that has chosen him, or with two years of continuous residence in it.

ART. 48. Senators serve for nine years in the exercise of their office and can be indefinitely re-elected; but the Senate shall be renewed by thirds every three years, deciding by drawing lots, once assembled, those who must retire after the first and second three-year periods.

ART. 49. The Vice-President of the Nation shall be president of the Senate, but shall have no vote except in the case that there may be a tie in the balloting.

ART. 50. The Senate shall appoint a provisional president to preside in the case of the absence of the Vice-President, or for the period when he shall exercise the office of President of the Nation.

ART. 51. The Senate has the power to judge in public trial the persons accused by the Chamber of Deputies, and when sitting for that purpose, its members shall take an oath. If the person accused is the President of the Nation, the Senate shall be presided over by the president of the Supreme Court. No person shall be declared guilty except by a majority of two-thirds of the members present.

ART. 52. The judgment shall not go further than to remove the accused person from office, and disqualification to hold any office of honor, trust, or salary in the Nation. But the party convicted shall, nevertheless, be subject to indictment, trial, and punishment according to law before the ordinary tribunals.

ART. 53. It is also within the power of the Senate to authorize the President of the Nation to declare a state of siege in one or several districts of the Republic in case of foreign invasion.

ART. 54. When any vacancy occurs in the Senate through death, resignation or other cause, the governmental unit which the vacancy affects shall proceed immediately to the election of a new member.

CHAPTER III

Provisions Common to Both Chambers

ART. 55. Both Chambers shall assemble each year in regular session from May 1st until September 30th. The President may convene extraordinary sessions or may prolong the sessions.

ART. 56. Each Chamber is the judge of the election, rights, and title of its own members in regard to their legality. Neither Chamber shall begin its

session without an absolute majority of its members; but a smaller number may compel the attendance of absent members at the sessions in such manner and under such penalties as each Chamber shall establish.

ART. 57. Both Chambers begin and conclude their sessions simultaneously. Neither of them, during the sessions, shall, without the consent of the other, adjourn its sessions for more than three days.

ART. 58. Each Chamber shall determine the rules of its proceedings, and by two-thirds of the votes can punish any one of its members for disorderly behavior in the performance of his duties, or can remove him for physical or moral inability occurring after his admission and can expel him from the body; but a majority of one more than half of those present shall be sufficient to decide on the resignations from office that they voluntarily may make.

ART. 59. The Senators and Deputies shall, on assuming their seats, take an oath to fulfill the office properly, and to proceed in everything in conformity with the prescriptions of this Constitution.

ART. 60. No member of the Congress may be accused, judicially questioned, or molested for opinions or speeches pronounced during his continuance in office as a legislator.

ART. 61. No Senator or Deputy may be arrested from the day of his election until he ceases in office, except in case of being surprised *in flagrante delicto* in the commission of a crime that deserves the penalty of death, or an infamous or other distressing one; in these cases notice must be given to the respective Chamber with a full report of the facts.

ART. 62. When a written charge is presented before the ordinary courts against any Senator or Deputy, each Chamber, examining the indictment in public trial, may, by two-thirds of its votes, suspend the accused from his office, and put him at the disposal of the proper court to be judged.

ART. 63. Each one of the Chambers may call the Ministers of the executive branch to its hall to receive the explanations or reports that it may consider necessary.

ART. 64. No member of the Congress shall be appointed by the Executive to any employment or commission, without the previous authorization of the respective Chamber, except for promotions.

ART. 65. Regular clergy² cannot be members of the Congress, nor governors representing the Provinces that they head.

ART. 66. The services of the Senators and Deputies are paid by the treasury of the Nation, with the emoluments fixed by law.

2. I.e., members of religious orders.

CHAPTER IV

Powers Vested in the Congress

ART. 67. The Congress shall have power:

1st. To legislate in regard to exterior customs houses and to establish import duties, that shall be, as with the valuations on which they are based, uniform throughout the Nation; it is understood that these and all national taxes may be paid with money that may be current in the respective Provinces, by the just equivalents. To establish also export duties.

2nd. To levy direct taxes for a determined time, and equally proportioned in all of the territory of the Nation, provided that the defense, security, and the general welfare of the State require it.

3rd. To borrow money on the credit of the Nation.

4th. To provide for the use and disposition of the national lands.

5th. To establish and regulate a national bank in the capital, and its branches in the Provinces with power to emit banknotes.

6th. To arrange payment of the domestic and foreign debt of the Nation.

7th. To fix annually the budget of expenses for the administration of the Nation, and to approve or disapprove the accounts of disbursement.

8th. To grant subsidies from the national treasury to those Provinces the incomes of which do not suffice, according to their budgets, to cover their ordinary expenses.

9th. To regulate the free navigation of the interior rivers, to provide the ports that it shall consider necessary, to create or close customs houses, but never to close the exterior customs houses already existing in each Province at the time of incorporation.

10th. To coin money, to regulate its value and that of foreign money, and to adopt a uniform system of weights and measures for the whole Nation.

11th. To enact the civil, commercial, penal, and mining codes, such codes not to modify the local jurisdictions, their execution belonging to the federal or provincial courts, depending on which jurisdiction the persons or things come under; especially, general laws of naturalization and citizenship for the whole Nation, based on the principle of citizenship by birth, as well as on the subject of bankruptcies, counterfeiting of the current money and public documents of the State, and those that may be required by the establishment of trial by jury.

12th. To regulate maritime and land trade with foreign Nations and that of the Provinces among themselves.

13th. To establish and regulate post offices and a general mail service for the Nation.

14th. To settle definitely the limits of the territory of the Nation, to fix those of the Provinces, to create new ones, and to determine, by special legis-

lation, the organization, administration, and government that the national territories remaining outside of the limits fixed for the Provinces must have.

15th. To provide for the security of the frontiers, to maintain peaceful relations with the Indians, and to promote their conversion to Catholicism.

16th. To provide whatever is conducive to the prosperity of the country, for the progress and welfare of all of the Provinces, and for the advancement of learning, enacting programs of general and university instruction, and promoting industry, immigration, the construction of railways and navigable canals, the colonization of lands of the national domain, the introduction and establishment of new industries, the importation of foreign capital, and the exploration of the interior rivers, by protective laws and by temporary concessions of privileges and the offering of rewards.

17th. To establish tribunals inferior to the Supreme Court of Justice, to create and abolish offices, to fix their duties, to grant pensions, to decree honors, and to grant general amnesties.

18th. To accept or reject the reasons for the resignation of the President, or Vice-President of the Republic, and to declare the necessity for a new election; to conduct a scrutiny and make corrections therein.

19th. To approve or reject treaties concluded with other Nations and concordats with the Holy See, and to arrange the exercise of the patronage in the whole Nation.

20th. To admit into the territory of the Nation other religious orders than those already existing.

21st. To authorize the Executive to declare war or make peace.

22nd. To grant letters of marque and reprisal, and make rules concerning prizes.

23rd. To fix the strength of the land and naval forces in time of peace and war, and to provide regulations and rules for the government of said forces.

24th. To authorize the summoning of the militia in all of the Provinces or part of them, whenever the execution of the laws of the Nation may so require, and when it may be necessary to suppress insurrection or repel invasion. To provide for the organization, equipment, and discipline of said militia, and the administration and government of such part of them as are employed in the service of the Nation, leaving to the Provinces the appointment of their respective chiefs and officers, and the duty of establishing in their respective militia the discipline prescribed by the Congress.

25th. To allow the introduction of foreign troops into the territory of the Nation and to allow national troops to leave it.

26th. To declare a state of siege in one or various parts of the Nation in case of internal disturbance and to approve or suspend a state of siege declared during its recess by the Executive.

27th. To exercise exclusive legislation in the whole territory of the capital of the Nation and over other places obtained by purchase or cession in any of

the Provinces for the establishment of forts, arsenals, magazines, and other establishments of national utility.

28th. To enact all laws and regulations that may be necessary to put in exercise the preceding powers, and all others granted by the present Constitution to the Government of the Argentine Nation.

CHAPTER V

Concerning the Formation and Sanction of Laws

ART. 68. Laws may have their origin in either of the Chambers of the Congress by bills presented by their members or by the Executive, except those relating to the subjects considered in Article 44.

ART. 69. A bill, once approved by the Chamber of its origin, passes for discussion to the other Chamber. Approved by both, it shall be presented to the Executive of the Nation for his study; and, if it also obtains his approval, he shall promulgate it.

ART. 70. Every bill is considered approved by the Executive if it is not returned within the period of ten working days.

ART. 71. No bill wholly rejected by one of the Chambers, shall be reintroduced in the sessions of the same year. But if it is only extended or altered by the revising Chamber, it shall be returned to the Chamber of its origin; and if the additions or alterations are approved there by an absolute majority, it shall be sent to the Executive of the Nation. If the additions or alterations are disapproved, the bill shall again be returned to the revising Chamber, and if they are there sanctioned again by a majority of two-thirds of the members, the bill shall be sent to the other Chamber and it shall not be considered that the latter rejects said additions or corrections unless two-thirds of the members present agree to it.

ART. 72. A bill rejected in whole or in part by the Executive shall be returned with his objections to the Chamber of its origin; the latter shall discuss it anew, and if it is confirmed by a majority of two-thirds of the votes, it shall be sent again to the revising Chamber. If both Chambers approve it by an equal majority, the bill becomes law and passes to the Executive for its promulgation. In all such cases the votes of both Chambers shall be determined by yeas and nays; and both the names and opinions of those voting, as well as the objections of the Executive, shall be immediately published by the press. If the Chambers disagree in regard to the objections, the bill cannot be reintroduced in the sessions of that year.

ART. 73. In the enactment of laws, the following formula shall be used: "The Senate and the Chamber of Deputies of the Argentine Nation, assembled in Congress, etc., decree and sanction with the force of law,"

SECOND SECTION

Concerning the Executive Power

CHAPTER I

Concerning Its Nature and Duration

ART. 74. The executive power of the Nation shall be vested in a citizen with the title of "President of the Argentine Nation."

ART. 75. In case of sickness, absence from the capital, death, resignation, or removal of the President, the executive power shall be exercised by the Vice-President of the Nation. In case of the removal, death, resignation, or inability of the President and Vice-President of the Nation, the Congress shall determine what official shall act as President until the disability be removed or a new President is elected.

ART. 76. To be elected President or Vice-President of the Nation, it is necessary to have been born in Argentine territory, or if born in a foreign country to be the son of a native-born citizen; to belong to the Roman Catholic Apostolic Church, and to possess the other qualifications required to be chosen a Senator.

ART. 77. The President and Vice-President hold their offices for the term of six years, and can be re-elected only after a similar intervening period.

ART. 78. The President ceases in his authority on the same day on which his term of six years expires; no event that may have interrupted it shall be a sufficient reason to complete it later.

ART. 79. The President and the Vice-President receive for their services a compensation paid by the treasury of the Nation, which cannot be altered during the term of their office. Within that period they shall not be able to hold any other office, nor receive any other emolument from the Nation or from any Province.

ART. 80. On taking possession of their offices, the President and Vice-President shall take the following oath at the hands of the president of the Senate (the first time from the president of the Constituent Congress), the Congress being assembled: "I, ———, swear before God, our Lord, and these Holy Gospels to perform with loyalty and patriotism the office of President (or Vice-President) of the Nation, and to observe and to cause others to observe, faithfully, the Constitution of the Argentine Nation. Should I not do so, may God and the Nation demand it of me."

CHAPTER II

Concerning the Manner and Time of the Election of the President and Vice-President of the Nation

ART. 81. The election of the President and Vice-President of the Nation shall be made in the following manner: the capital and each one of the Provinces shall choose by direct vote a board of electors equal to double the total of Senators and Deputies whom they send to the Congress, with the same qualifications and under the same form prescribed for the election of Deputies.

Neither the Deputies nor the Senators nor the paid employees of the federal Government may be electors.

Four months before the expiration of the term of the retiring President, the electors chosen by the capital shall meet in the capital and those chosen by the Provinces in their respective capitals, and they shall proceed to elect a President and Vice-President of the Nation by signed ballots stating on one the person for whom they vote for President and on another the one for whom they vote for Vice-President.

Two lists shall be made of all persons named for President and two others of those named for Vice-President, with the number of votes that each one of them has obtained. These lists shall be signed by the electors and two of them closed and sealed (one of each class) shall be sent to the president of the provincial legislature, and in the capital to the president of the municipality, in whose registers they shall remain deposited and closed; and the other two to the president of the Senate (the first time to the president of the Constituent Congress).

ART. 82. The president of the Senate (the first time the president of the Constituent Congress), having all the lists, shall open them in the presence of both Chambers. The secretaries, assisted by four members of the Congress chosen by lot, shall immediately proceed to make the scrutiny and to announce the number of votes that result in favor of each candidate for the presidency and vice-presidency of the Nation. Those who win in each case an absolute majority of all the votes, shall be proclaimed immediately President and Vice-President.

ART. 83. In case that, by the division of the vote, no absolute majority has been obtained, the Congress shall choose between the two persons who have obtained the highest number of votes. Should the first majority have favored more than two persons, the Congress shall choose from among all of them. Should the first majority have belonged to only one person, and the second to two or more persons, the Congress shall choose from among all the persons who obtained the first and second majorities.

ART. 84. This election shall be made by an absolute majority of votes and

by signed ballots. If, after the first ballot, no person has an absolute majority, it shall be taken for the second time, limiting the balloting to the two persons who in the first ballot had obtained the highest number of votes. In case of a tie vote, the balloting shall be repeated, and in case of a new tie, the president of the Senate shall decide (the first time the president of the Constituent Congress).

Neither the scrutiny nor the certification of these elections may be made without the attendance of three-fourths of the total of members of the Congress.

ART. 85. The election of the President and Vice-President of the Nation must be concluded at a single session of the Congress, and the results thereof, as well as the electoral proceedings, made public immediately through the press.

CHAPTER III

Powers of the Executive

ART. 86. The President of the Nation has the following powers:

1st. He is the supreme chief of the Nation and has in his charge the general administration of the country.

2nd. He issues the instructions and regulations that may be necessary for the execution of the laws of the Nation, being careful not to modify their spirit with exceptions in the regulations.

3rd. He is the immediate and local chief of the capital of the Nation.

4th. He participates in the formation of the laws according to the Constitution, and approves and promulgates them.

5th. He appoints, with the consent of the Senate, the Magistrates of the Supreme Court, and of the other and inferior federal courts.

6th. He may grant pardons or commute sentences for crimes subject to federal jurisdiction, with a previous report by the appropriate tribunal, except in the case of impeachment by the Chamber of Deputies.

7th. He may grant pensions, retirements, leaves of absence, and the enjoyment of gratuity funds, in accordance with the laws of the Nation.

8th. He exercises the rights of the national patronage in the naming of bishops for the cathedral churches, from a panel proposed by the Senate.

9th. He grants or refuses passage, with the consent of the Supreme Court, to decrees of the councils, bulls, briefs, and rescripts of the Supreme Pontiff of Rome, a law being required when they contain general and permanent provisions.

10th. He appoints and removes ministers plenipotentiary and *chargés d'affaires*, with the consent of the Senate, and by himself appoints and removes his cabinet Ministers, the officials of the departments, the consular agents, and other employees of the administration whose appointment is not regulated in other ways by this Constitution.

11th. He presides annually at the opening of the sessions of the Congress, both Chambers assembled for this purpose in the hall of the Senate, giving an account on this occasion to the Congress of the state of the Nation, the reforms promised by the Constitution, and recommending to their consideration the measures that he deems necessary and expedient.

12th. He may prorogue the regular sessions of the Congress, or convoke it in extraordinary session, when some grave interest of order or progress requires it.

13th. He causes the revenues of the Nation to be collected, and decrees their disbursement according to law or to the budgets of national expenditures.

14th. He concludes and signs treaties of peace, of trade, of navigation, of alliance, of boundaries, and of neutrality, concordats, and other agreements required for the maintenance of good relations with foreign powers; he receives their ministers and admits their consuls.

15th. He is commander-in-chief of all the land and naval forces of the Nation.

16th. He appoints the military officers of the Nation; the chief officers or ranks of the army and navy with the consent of the Senate, and by himself on the field of battle.

17th. He disposes of the military and naval forces, and attends to their organization and distribution according to the necessities of the Nation.

18th. He declares war and grants letters of marque and reprisal, with the authorization and approval of the Congress.

19th. He may declare, with the consent of the Senate, one or several districts of the Nation in a state of siege for a limited time in case of foreign attack. In case of internal disturbance, he has this power only when the Congress is in recess, because the power belongs to that body. The President exercises this power under the limitations prescribed in Article 23.

20th. He may ask for whatever information he considers needful, from the chiefs of all branches and departments of the administration, and through these from the other employees, everyone being obliged to give it.

21st. He cannot leave the territory of the capital, without the permission of the Congress. During the recess of the latter, he may leave without authorization only because of the grave necessity of the public service.

22nd. The President shall have the power to fill vacancies in offices that require the consent of the Senate, and which may occur during its recess, by means of appointments in commission, that shall expire at the end of the next legislative session.

CHAPTER IV

Concerning the Ministers of the Executive Branch

ART. 87. Eight Ministers, Secretaries of State, shall have in their charge the handling of the business of the Nation and shall legalize the acts of the President with their signatures, which requirement is necessary to their efficacy. A special law will delimit the business of the respective offices of the Ministers.

ART. 88. Each Minister is responsible for the acts that he legalizes; and is jointly responsible for those to which he consents with his colleagues.

ART. 89. The Ministers may not, in any case, make decisions on their own account, except with regard to matters concerning the economic and administrative conduct of their respective departments.

ART. 90. Once the Congress has opened its sessions, the Ministers of the Cabinet shall present a detailed report of the state of the Nation in connection with the business of their respective departments.

ART. 91. They cannot be either Senators or Deputies without presenting a resignation from the office of Minister.

ART. 92. The Ministers may attend the sessions of the Congress and take part in their debates, but may not vote.

ART. 93. They shall enjoy for their services the emolument established by law, which cannot be increased or diminished in favor or to the detriment of the incumbents in office.

THIRD SECTION

Concerning the Judiciary

CHAPTER I

Concerning Its Nature and Duration

ART. 94. The judicial power of the Nation shall be exercised by a Supreme Court of Justice, and in the inferior tribunals that the Congress may establish in the territory of the Nation.

ART. 95. In no case shall the President of the Nation exercise judicial functions, assume jurisdiction over pending cases, or reopen those decided.

ART. 96. The Justices of the Supreme Court and of the inferior tribunals of the Nation shall hold their offices during their good behavior, and shall receive for their services a compensation that shall be determined by law, and that cannot be diminished in any manner during their continuance in office.

ART. 97. No one may be a member of the Supreme Court of Justice without being an attorney of the Nation, with eight years of practice, and possessing the qualifications required to be a Senator.

ART. 98. At the first organization of the Supreme Court, the persons appointed shall take an oath at the hands of the President of the Nation, to discharge their duties, administering justice well and faithfully, and in conformity with the provisions of the Constitution. In the future they shall take it before the president of the same Court.

ART. 99. The Supreme Court shall provide its own domestic and economic rules and shall appoint all its subordinate employees.

CHAPTER II

Powers of the Judiciary

ART. 100. Jurisdiction over and decision of all cases dealing with the points governed by the Constitution and laws of the Nation belong to the Supreme Court and the inferior tribunals of the Nation, with the exception made in Clause 11 of Article 67 and with treaties with foreign Nations; of all suits concerning ambassadors, public ministers, and foreign consuls; of cases of admiralty and maritime jurisdiction; of suits in which the Nation is a party; of suits between two or more Provinces; between one Province and the citizens of another; between the citizens of different Provinces; and between one Province and its citizens against a foreign State or citizen.

ART. 101. In these cases the Supreme Court shall exercise appellate jurisdiction, according to rules and exceptions prescribed by the Congress; but in all matters concerning ambassadors, ministers, and foreign consuls, and those in which any Province shall be a party, the Court shall exercise original and exclusive jurisdiction.

ART. 102. All ordinary criminal trials, except cases of impeachment admitted by the Chamber of Deputies, shall be concluded by jury as soon as this institution may be established in the Nation. The trial of these suits shall be held in the same Province where the crime has been committed; but when it was committed outside of the limits of the Nation, against international law, the Congress shall determine, by a special law, the place where the trial is to be held.

ART. 103. Treason against the Nation shall consist only in taking up arms against it, or in adhering to its enemies, giving them aid and comfort. The Congress shall declare by a special law the punishment of this crime; but it shall not go beyond the person of the offender nor shall the infamy of the criminal be in any degree transmitted to his relatives.

TITLE II

Provincial Governments

ART. 104. The Provinces retain all powers not delegated by this Constitution to the federal Government, and those expressly reserved by special pacts, at the time of their incorporation.

ART. 105. Each Province shall have its own local institutions and shall be governed by them. The Provinces elect their governors, their legislators, and other officials without the intervention of the federal Government.

ART. 106. Each Province shall enact its own constitution, subject to the provisions of Article 5.

ART. 107. The Provinces may negotiate, with the knowledge of the federal Congress, partial treaties for purposes of the administration of justice, of economic interests, and of works of common utility; and to promote, by protective laws and with their own resources, their industry, immigration, the construction of railways and navigable canals, the colonization of provincial lands, the establishment of new industries, the importation of foreign capital, and the exploration of their rivers.

ART. 108. The Provinces do not exercise the power delegated to the Nation. They cannot negotiate partial treaties of a political character; nor enact laws dealing with commerce, internal or foreign navigation; nor establish provincial customs houses, nor coin money, nor establish banks with power to emit notes, without authorization from the federal Congress; nor enact civil, commercial, penal, or mining codes after the Congress shall have enacted them; nor enact any special laws regarding citizenship and naturalization, bankruptcies, counterfeiting of money or State documents; nor lay any tonnage duties; nor arm ships of war, nor raise armies except in case of foreign invasion or of such imminent danger as not to admit of delay, giving notice immediately to the federal Government; nor appoint or receive foreign agents nor admit new religious orders.

ART. 109. No Province may either declare or wage war against another Province. Their claims are to be submitted to and decided by the Supreme Court of Justice. Their actual hostilities are acts of civil war, and are considered sedition or mutiny that the federal Government must suppress and punish in accordance with the law.

ART. 110. The governors of the Provinces are the natural agents of the federal Government for the enforcement of the Constitution and laws of the Nation.

Given in the Hall of Sessions of the General Constituent Congress, in the City of Santa Fé, the 1st day of May in the year of our Lord, 1853.

Bolivia



BOLIVIA is indebted for its first constitution in a peculiarly personal way to the Liberator who gave the country its name. Following the freeing of Upper Peru, as Bolivia was originally known, Bolívar called a constituent assembly at Chuquisaca for May 26, 1826. The resulting basic law, promulgated on November 19, 1826, is famous as embodying the political theories of Bolívar himself. It provided for a president elected for life (an "uncrowned monarch," one writer calls him), a vice-president and secretaries appointed by the president, an aristocratic tricameral legislature composed of a senate, a chamber of tribunes, and a chamber of censors, a restricted electorate, and other conservative and in some instances impractical features. The complex system was unpopular from the first.

The second constitution (August 14, 1831) somewhat relaxed certain of the extreme provisions of the Bolivarian basic law but continued an essentially conservative government. This constitution was slightly modified on October 20, 1834. This alteration, considered as Bolivia's third constitution, fell into the discard two years later with the engineering by Andrés Santa Cruz of the Peruvian-Bolivian confederation, which maintained a precarious existence from 1836 to 1839 and which was governed under the Pact of Tacna of May 1, 1837. The fourth Bolivian constitution dated from May 1, 1839. The next constitutions—of October 26, 1839, June 17, 1843, September 21, 1851, and August 5, 1861—continued the government on a fundamentally conservative basis, preserving a unitary form and maintaining Roman Catholicism as the state religion. The constitution of 1843, in particular, went to extremes in establishing a strong presidency; it was, however, suspended in 1848 and the law of 1839 temporarily restored. Further detailed changes were introduced by the basic laws of October 1, 1868, October 18, 1871, and February 15, 1878.

The constitution of October 28, 1880, Bolivia's twelfth, provided for the direct election of the president and in other ways reflected a more democratic trend. This constitution was the longest lived of any that Bolivia has thus far had. It was not supplanted until the adoption of a new one on September 26, 1931. This document, in reality only a modification of the preceding one, continued in force until May, 1936, when it was suspended and the law of 1880, with amendments, restored to effect on July 31, 1937. The next constitution, amended at various times, dated from October 30, 1938. A revised form of it was signed on November 23, 1945.

POLITICAL CONSTITUTION OF THE STATE

FIRST SECTION

The Nation

ARTICLE 1. Bolivia, free, independent, and sovereign, constituted in a unitary Republic, adopts for its Government the democratic, representative form.

ART. 2. Sovereignty resides in the people; it is inalienable and imprescriptible; its exercise is delegated to the legislative, executive, and judicial branches. The independence and co-ordination of these branches is the basis of government.

ART. 3. The State recognizes and supports the Roman Catholic Apostolic religion, guaranteeing the public exercise of all religions.

ART. 4. The people shall not deliberate or govern except by means of their representatives and by the authorities created by law.

Any armed force or association of persons usurping the rights of the people commits the crime of sedition.

SECOND SECTION

Rights and Guarantees

ART. 5. Slavery does not exist in Bolivia. No kind of servitude is recognized and no person shall be obliged to render personal service without just retribution and without his complete consent.

Personal services shall be exacted only as established by law.

ART. 6. Every person has the following fundamental rights in conformity with the laws that regulate their exercise:

- 1st. To enter the national territory, remain there, move about, or leave.
- 2nd. To engage in work, commerce, or industry under conditions that do not injure the collective welfare.
- 3rd. To express freely his ideas and opinions by any means of diffusion.
- 4th. To meet and associate for various purposes not contrary to the security of the State.
- 5th. To make individual or collective petitions.
- 6th. To receive instruction.
- 7th. To teach under the supervision of the State.

ART. 7. No person shall be arrested, detained, or imprisoned except in the cases and according to the forms established by law.

For the execution of an order of arrest, it is required that the latter shall be issued by the proper authority and be recorded in writing.

ART. 8. Every person who believes he is illegally arrested, prosecuted, or imprisoned, may himself or by means of some other person in his name, with or without power of attorney, have recourse to the superior court of the district or to the corresponding judge, as he prefers, to require that the legal formalities be preserved. The judicial authority shall decree immediately that the individual be brought to his presence and his decree shall be obeyed, without objection or excuse, by those in charge of the jail or place of detention. Informed of the antecedents, the judicial authority shall decree his liberty and have the legal proceedings complied with or shall place the individual at the disposal of the proper judge within twenty-four hours. The decision that is pronounced shall be subject to an appeal of annulment before the Supreme Court of Justice, an appeal that shall not suspend execution of the sentence.

Public officials or private individuals who resist the judicial decisions in the cases covered by this article shall be guilty at all times of offense against constitutional guarantees, and the plea of having obeyed superior orders shall not serve as an excuse.

ART. 9. Any offender *in flagrante delicto* may be apprehended, even without an order of arrest, by any person, for the sole purpose of bringing him before an authorized judge, who shall take his deposition within not more than twenty-four hours.

ART. 10. Wardens of prisons shall not receive into custody either arrested or detained persons without copying in the register the corresponding order of arrest. Nevertheless, they may receive in the precinct of the prison individuals brought for the purpose of being presented to the authorized judge within twenty-four hours.

ART. 11. Attacks against personal security make their immediate authors liable, and the plea of having committed them under superior orders shall not serve as an excuse.

ART. 12. The public officials who, without having declared a state of siege, take measures for the persecution, confinement, or exile of citizens and have them executed, as well as those who suspend printing or other means of expression of free thought, shall be subject to the payment of a civil indemnification for damages and injury, provided that it is proved, by legal means, that such measures or acts were performed without justifiable motive and in contravention of constitutional laws that guarantee the rights of citizens.

The manner of receiving satisfaction for the injury caused shall be determined by a special law.

ART. 13. No person shall be tried by special commissions or submitted to judges other than those previously designated for such suits.

ART. 14. No person is obliged to testify against himself in criminal cases, nor shall his relatives to the fourth degree of consanguinity inclusive or to the second of affinity be so required.

In no case shall torture or any other kind of torment be employed.

ART. 15. Confiscation of goods will never be applied as a political penalty. Epistolary correspondence and private papers are inviolable; they shall not be seized except in the cases determined by law and by virtue of written orders issued by the proper authority. Letters and private papers intercepted or sequestered have no legal effect.

ART. 16. Every house is an inviolable asylum; no person may enter at night without the consent of its inhabitant, and by day entrance without permission may be effected only by a written order issued by the proper authority except in cases *in flagrante delicto*.

ART. 17. Private property is guaranteed, provided that its use is not prejudicial to the collective interest. Expropriation is imposed for reasons of public utility or when [property] does not fulfill a social function, judged conformably to law and after fair indemnification.

ART. 18. Foreign subjects and enterprises are, in respect to property, in the same position as Bolivians, and can in no case plead an exceptional situation or appeal through diplomatic channels unless in case of a denial of justice.

ART. 19. Aliens shall not, within fifty kilometers of the frontiers, acquire or own, directly or indirectly, individually or collectively, soil or subsoil, by any kind of title, under penalty of forfeiting to the benefit of the State the property acquired, except in case of national necessity stated by a special law.

ART. 20. No tax is obligatory unless it has been established by the Legislature in conformity with the prescriptions of this Constitution. Plaintiffs may establish suit before the Supreme Court of Justice against illegal taxes. Municipal taxes are obligatory when the requirements formulated by this Constitution have been observed in their establishment.

ART. 21. Taxes and other public charges bind all equally. Their creation, distribution, and suppression have a general character, being determined by an equal payment by taxpayers, in proportional or progressive form, as the case may be.

ART. 22. The property of the Church and of religious and charitable associations shall enjoy the same guarantees as that belonging to private individuals and be subject to obligations and limitations that the law fixes.

ART. 23. Every person enjoys civil rights; their exercise is regulated by civil law.

ART. 24. Only the Legislature has power to amend and modify the codes, as well as to enact regulations and provisions regarding judicial proceedings.

ART. 25. Punishment by disgrace or by loss of civil rights shall not exist.

Capital punishment shall be applied only in cases of assassination, parricide, and treason to the Fatherland; by treason, complicity with the enemy during a state of foreign war is understood.

ART. 26. Roads opened by private individuals shall be available for public use. A special law shall regulate the exercise of this right, as well as the col-

laboration of the State with the private individuals for their maintenance.

ART. 27. Acts of persons who usurp functions not belonging to them are null, as well as the acts of those who exercise jurisdiction or power that does not emanate from the law.

ART. 28. The principles, guarantees, and rights recognized in this Constitution cannot be altered by the laws that regulate their exercise and do not need previous regulations for their fulfillment.

ART. 29. No person shall be obliged to do what the Constitution and the laws do not require, nor be deprived of what they do not prohibit.

ART. 30. Those who violate constitutional rights and guarantees shall be subject to ordinary jurisdiction.

ART. 31. The law provides only for future circumstances and does not have retroactive effect.

ART. 32. Every public, civil, military, or ecclesiastical official, before taking possession of his office, is obliged to declare expressly and specifically the property or income he may have, which shall be verified in the form that the law determines.

ART. 33. The declarations, rights, and guarantees that this Constitution enumerates shall not be understood as a denial of other rights and guarantees not mentioned, which may originate in the sovereignty of the people and in the republican form of Government.

THIRD SECTION

Preservation of Public Order

ART. 34. In cases of grave danger by reason of internal disturbance or foreign war, the chief of the executive power may, with the affirmative action of the Council of Ministers, declare a state of siege in the part of the territory where it may be necessary.

If the Congress is convened in regular or extraordinary session while the Republic or a part thereof is under state of siege, continuation of the latter shall be the object of legislative authorization. If the decree of a state of siege is enacted by the Executive while the Chambers are in session he shall proceed in the same manner.

If the Executive does not suspend the siege within ninety days, this time having lapsed the siege shall automatically cease unless international war is declared or a civil war breaks out. Those who have been subject to judicial restraint shall be placed at liberty unless they have been submitted to the jurisdiction of authorized tribunals.

The Executive shall not prolong the state of siege by a new decree beyond ninety days or declare another state of siege within the same year unless with the consent of the Congress. The latter shall be assembled in extraordinary

session for this purpose if the situation arises during recess of the Chambers.

ART. 35. The declaration of a state of siege produces the following results:

1st. The Executive may increase the permanent army and call to service the reserves he may deem necessary.

2nd. He may set aside necessary funds from national taxes and income, and negotiate or obtain by means of a loan sufficient resources, provided expenses cannot be covered by the ordinary income. In case of a forced loan, the Executive shall assign the quotas and distribute them among the taxpayers in accordance with their financial capacity.

3rd. The guarantees and rights sanctioned by this Constitution shall not in general be suspended with the declaration of a state of siege; but they may be so with respect to designated persons fundamentally accused of plotting against the tranquillity of the Republic, according to the provisions of the following paragraphs.

4th. Legal authorities may issue orders for citation or arrest against accused persons, within the maximum period of forty-eight hours, but they shall be placed at the disposal of the authorized judge who shall examine the documents motivating the arrest.

If preservation of public order requires the removal of accused persons, their confinement to a departmental or provincial capital that is not unhealthy may be ordered.

Exile for political motives is prohibited; but the person who is confined, prosecuted, or arrested for these reasons may request his passport for abroad, which shall not be denied for any cause; the authorities shall grant him the necessary guarantees for this purpose.

Persons who execute orders violating these guarantees may be sued after the state of siege has ended, as perpetrators of attacks against constitutional guarantees; pleas of complying with superior orders do not excuse them.

5th. Likewise, censorship of correspondence in general may be imposed and the use of transit passports be required for persons who enter or leave the territory in siege.

In case of international war, censorship shall be established over correspondence and all methods of publicity.

ART. 36. The Government shall give an account to the next Congress of the reasons that gave place to the declaration of the state of siege and the use that has been made of the powers conferred by this section, reporting the result of the judicial proceedings instituted and indicating the measures necessary to satisfy the credits that were contracted either by direct loans or by anticipation of taxes.

ART. 37. The Congress shall devote its first session to an examination of the report referred to in the preceding article, giving its approval or declaring the responsibility of the Executive.

The Chambers may, for this purpose, make the investigations that they

deem necessary and may require from the Executive an explanation and justification of all acts related to the state of siege even though they have not been mentioned in the report rendered.

ART. 38. Neither the Congress nor any association or popular assembly may grant the Executive extraordinary powers, the total of the public power, or accord him supremacy by which the life, honor, and property of Bolivians are placed at the mercy of the Government or of any person.

Personal inviolability and the immunities established by this Constitution for national representatives will not be suspended during a state of siege.

FOURTH SECTION

Nationality and Citizenship

ART. 39. Bolivians by birth are:

1st. Those born in the territory of the Republic, whatever the nationality of their parents.

2nd. Those born abroad of Bolivian father or mother, by the fact of being domiciled in national territory or inscribed in consulates.

ART. 40. Bolivians by naturalization are:

1st. Aliens giving military service to the Republic in international war.

2nd. Those who, residing three years in the country, obtain letters of nationality in the form determined by law.

ART. 41. A Bolivian woman married to an alien does not lose her nationality; an alien woman married to a Bolivian man acquires the nationality of her husband provided she resides in the country, and does not lose it even by widowhood or divorce.

ART. 42. Nationality is lost:

1st. By carrying arms or giving service in an enemy army in time of war.

2nd. By rendering like services in a foreign army in time of civil or international war without permission from the Government.

ART. 43. Citizenship consists in:

1st. Contributing as a voter or official to the establishment or exercise of the public powers.

2nd. Being eligible to public office without other requisite than that of capacity, save for the exceptions established by law.

ART. 44. To be a citizen it is necessary:

1st. To be a Bolivian.

2nd. To be more than twenty-one years of age.

3rd. To be able to read and write, and

4th. To be inscribed in the civic register.

ART. 45. The rights of citizenship are suspended:

1st. By naturalization in another country; taking up residence in Bolivia and being inscribed in the civic register are sufficient for recovering them.

2nd. For declaration of fraudulent bankruptcy or for being sentenced to corporal punishment.

3rd. For accepting employment or an office of a foreign Government, including the exercise of authority or jurisdiction, without special permission required by law.

ART. 46. In the formation of municipal governments, the right of election and eligibility of Bolivian women is recognized, under the same conditions as for men, besides the citizenship rights referred to in Part 2 of Article 43 of this Constitution.

FIFTH SECTION

Legislative Power

ART. 47. The legislative power resides in the national Congress, composed of two Chambers, one of Deputies and the other of Senators.

It shall meet in regular session each year in the capital of the Republic on August 6th even if it has not been especially convened; its sessions shall last for 90 working days, which may be prorogued to 120 at the discretion of the Congress itself or at the request of the Executive. If, in the opinion of the latter, the Congress should not meet in the capital of the Republic, notice of convocation shall be given designating another place.

ART. 48. The Congress may meet in extraordinary session with the approval of an absolute majority of its members or by a call by the Executive. In either of these cases, it shall be occupied only with those matters indicated in the notice of convocation.

ART. 49. The Chambers shall function with an absolute majority of their members, at the same time and in the same place, and one of the Chambers shall not begin or end its deliberations on a different day from the other.

ART. 50. Senators and Deputies may be designated President or Vice-President of the Republic, Ministers of State, or diplomatic agents, being suspended from their legislative functions for the time they hold these offices. Outside of those above mentioned, they may not hold any other offices in the executive or judicial departments.

ART. 51. Civil employees, military men in active service, as well as ecclesiastics with jurisdiction, cannot be elected national representatives, with the exception of university professors.

ART. 52. Senators and Deputies are immune at all times for opinions expressed by them while in the exercise of their offices.

ART. 53. No Senator or Deputy, from the day of his election to the end of his term, continuously, may be accused, prosecuted, or arrested for any matter without the permission of the Chamber to which he belongs. He may not be charged with a civil offense from sixty days before the convocation of the Congress until the end of the period in which he returns to his domicile.

The Vice-President of the Republic, in his character as president of the

national Congress and of the Senate, enjoys the same immunity and prerogatives accorded to Senators and Deputies.

ART. 54. Senators and Deputies shall not acquire or lease public property in their own name or in that of a third party, or undertake contracts for public works or supplies, or obtain concessions or any other kind of personal advantage.

Nor may they, during their terms, be employed by autarchic entities or as attorneys of corporations or enterprises doing business with the State.

Violation of these principles implies loss of office, by resolution of the respective Chamber, conformably to Article 60, Clause 4, of this Constitution.

ART. 55. During the constitutional term of office they may direct petitions to officials of the executive branch for the fulfillment of legal provisions; they may also present necessary matters and means for the improvement of their electoral districts.

ART. 56. Should the same citizen be elected both Senator and Deputy, he may accept the office he prefers. Should he be elected Senator or Deputy for two districts or Departments he may choose the district he prefers.

ART. 57. Senators and Deputies may be re-elected and may resign.

ART. 58. Sessions of the Congress and of both Chambers shall be public and may be secret only when two-thirds of their members so determine.

ART. 59. The duties of the Legislature are:

1st. To enact, abrogate, modify, and interpret laws.

2nd. To levy, on the initiative of the Executive, taxes of any class or kind, to suppress existing ones, to determine their national or departmental character, and to decree fiscal expenditures.

Nevertheless, the Legislature may, on the mere demand of one of its members, urge the Executive to present specific financial bills. If the Executive does not present, or object to, the requested bill within twenty days, the Parliament may consider it, and it will require for its approval an absolute majority of the members of the Chamber of origin.

Taxes will be decreed for an indefinite time except when respective laws indicate a specific period for their enforcement.

3rd. To fix the expenses of public administration for each financial period, after presentation of the budget bill by the executive.

4th. To fix, likewise, in each legislative session the military force that shall be maintained in time of peace.

5th. To authorize the Executive to contract loans, designating the funds for servicing them. To recognize debts contracted and to establish the manner of paying them.

6th. To create new Departments or provinces, fix their boundaries, keep the principal ports in good condition, and establish customs houses.

7th. To fix the weight, fineness, value, kind, and denomination of coins;

to authorize the emission and circulation of bank notes, and to regulate the system of weights and measures.

8th. To grant subventions or guarantees of interest for the construction of railroads, canals, highways, and other means of communication.

9th. To permit the passage of foreign troops through the territory of the Republic, determining the time of their stay.

10th. To authorize the departure of national troops from the territory of the Republic, designating the time of their return.

11th. To create and abolish public offices, determine or modify their duties, and fix emoluments, on the initiative of the Executive. The Legislature may approve, reject, or decrease the services, offices, or emoluments proposed, but may not increase them, except those belonging to the national Congress.

12th. To decree amnesty for political offenses; to grant pardons according to a report by the Supreme Court.

13th. To approve or reject international treaties and pacts of all kinds.

14th. To authorize the alienation of national, departmental, municipal, and university property, as well as all property of the public domain.

15th. To authorize the Executive to acquire real estate and to approve purchases made.

16th. To exercise the right of diplomatic influence on acts not completed or on international commitments of the Executive.

17th. To approve or reject the annual account of the expenditure of funds intended for the expenses of public administration, that must be presented by the Government in the first session of each legislative term.

18th. To appoint the Ministers of the Supreme Court of Justice.

19th. To authorize universities to contract loans.

SIXTH SECTION

The Congress

ART. 60. The duties of each Chamber are:

1st. To certify credentials of their respective members.

Each Chamber will appoint a credential certifying committee composed of five members elected by the incomplete list system, three by the majority and two by the minority. Decisions of this committee which contradict credentials will be passed by a two-thirds vote.

2nd. To organize its executive committee.

3rd. To enact its by-laws and punish their violation.

4th. To remove temporarily or permanently, with the approval of two-thirds of the votes, any of its members for serious offenses committed in the exercise of their functions.

5th. To order the payment of its budget and to attend to all matters relative to its economy and internal government.

ART. 61. The Chambers assemble in Congress for the following purposes:
1st. To inaugurate and close their sessions.

2nd. To verify the scrutiny of the acts of election of the President and Vice-President of the Republic, or themselves to designate these officials when an absolute plurality [i.e., majority] of votes has not been obtained, in conformity with the provisions of this Constitution.

3rd. To receive the oath of the officials listed in the previous paragraph.

4th. To accept or refuse the resignations of the same.

5th. To exercise the duties referred to in Clauses 13 and 17 of Article 59.

6th. To reconsider the laws vetoed by the Executive.

7th. To decide a declaration of war at the request of the Executive.

8th. To determine the number of the armed forces.

9th. To consider bills approved in the Chamber of origin, but not by the revising Chamber within a period of twenty days.

10th. To settle, by two-thirds of the votes of the total of their members, questions of jurisdiction that arise in the Chambers, in the executive department, or the Supreme Court, and, by an absolute majority of votes, those that arise between the branches above mentioned or between the district and cassation courts.

11th. To exercise the powers belonging to it by virtue of Articles 34, 36, and 37 of this document.

12th. To recognize, conformably to law, accusations against the President and Vice-President of the Republic, Ministers of State, diplomatic agents, and the Comptroller General of the Republic for offenses committed in the exercise of their functions.

ART. 62. In no case may the Congress delegate to one or several of its members, or to any other branch, the duties assigned to it by this Constitution.

ART. 63. The Chambers may agree on a censure of the acts of the Executive, directing it against the Ministers of State, individually or collectively, as the case may require, for the purpose of changing the political procedure that has motivated the censure.

For the exercise of this power, the decision of the Chamber in which it was begun, by an absolute majority vote of members present, shall suffice.

ART. 64. Each one of the Chambers has the right, upon the written request of any of its committees or members, to request the presence of Ministers of State in its hall to receive from them any reports deemed necessary for legislative, investigative, or financial purposes.

SEVENTH SECTION

Chamber of Deputies

ART. 65. Deputies shall be elected directly by the people, by a simple plurality of votes. They shall continue in their offices for four years, being

renewed by half each biennium. In the first change, the Deputies shall cast lots. The law will regulate the elections and fix the number of Deputies.

ART. 66. To be a Deputy it is necessary:

- 1st. To be a Bolivian by birth.
- 2nd. To have completed the military duties.
- 3rd. To be inscribed in the civic register.
- 4th. To be more than twenty-five years of age.
- 5th. Not to have been sentenced to corporal punishment by the tribunals, nor to have been charged or sentenced in court proceedings.

ART. 67. The initiative in the cases of Clauses 4 and 5 of Article 59 is reserved to the Chamber of Deputies.

ART. 68. It is the function of the Chamber of Deputies: to elect Magistrates of the Supreme Court of Justice, by an absolute majority vote, from panels proposed by the Senate, and to impeach these same officials before the high Chamber for crimes committed in the exercise of their functions.

EIGHTH SECTION

Chamber of Senators

ART. 69. The Senate of the Republic is composed of three Senators for each Department.

ART. 70. To be a Senator it is necessary: to be more than thirty-five years of age and to have the other qualifications required for a Deputy.

ART. 71. Senators shall exercise their functions for six years. The renewal of the Chamber shall be by thirds, one-third of its members, determined by lot, leaving after each one of the first two bienniums.

ART. 72. Duties of the Chamber are:

1st. To take cognizance of accusations made by the Chamber of Deputies against Ministers of the Supreme Court, conformably to the law of responsibility.

The Senate will judge Ministers of the Supreme Court in sole instance and will impose appropriate punishment and responsibility on them, by accusation of the Chamber of Deputies arising from complaint by those injured or denunciation by any citizen.

In cases foreseen by the previous clauses, a two-thirds vote of members present will be necessary.

A special law will provide the procedure and formalities of these trials.

2nd. To rehabilitate as Bolivians or as citizens those who may have lost these attributes.

3rd. To permit Bolivians to receive employment, titles, or emoluments from a foreign government.

4th. To consider municipal ordinances.

5th. To decree public honors to those who merit them for their eminent services to the Nation.

6th. To propose panels to the Chamber of Deputies for the election of Magistrates of the Supreme Court.

7th. To propose panels to the President of the Republic for the election of a Comptroller General and Attorney General of the Republic.

8th. To propose panels for archbishop and bishops to be presented by the Executive for canonical institution.

9th. To grant, by a two-thirds vote, pecuniary rewards.

NINTH SECTION

Laws and Resolutions of the Legislature

ART. 73. Laws, except for the cases mentioned in Clauses 2, 3, and 11 of Article 59, and Article 67, may have their origin in the Senate or in the Chamber of Deputies at the proposal of one of their members, or by message from the Executive, on the condition, in the latter case, that the bill be defended in debate by the Minister of the respective department, who shall not be present at the balloting.

The Supreme Court may, by means of a special message, initiate bills on codes and proceedings.

ART. 74. After a bill has been approved in the Chamber of its origin, it shall pass immediately to the other for discussion within a period of twenty days.

If the revising Chamber approves it, the law shall pass to the Executive for its promulgation.

ART. 75. A bill that does not pass in the Chamber of its origin shall not be proposed again, in either of the Chambers, until the following session.

ART. 76. If the revising Chamber limits itself to amending or modifying the bill, it shall be considered approved in case the Chamber of its origin accepts, by an absolute majority, the amendments or modifications. But if it does not accept them, or if it corrects or alters them, the two Chambers shall unite on call of either of their presidents, within twenty days, to deliberate on the bill. In case of approval, it shall be remitted to the Executive for promulgation as a law of the Republic; but if it does not pass, it shall not be proposed again except in one of the following legislative terms.

ART. 77. If the revising Chamber lets the twenty-day term pass without pronouncing on the bill it will be deemed approved, being sent by the Chamber of origin to the Executive for promulgation. This term may be interrupted only by a congressional recess.

A similar procedure will be followed for bills sent by the Executive.

ART. 78. The President of the Republic may offer objections to any bill approved by the Legislature, within a period of ten days from the date on

which he received the bill, provided that the Minister whose department the bill concerned was not present during the discussion.

A bill to which no objections have been offered within the ten days shall be promulgated. If, during this period, the Congress should recess, the President of the Republic shall publish a message with his objections so that the next Legislature may consider them.

ART. 79. The objections of the Executive shall be directed to the Chamber of origin. If the latter and the revising Chamber, united in Congress, find them well founded and modify the bill to conform to them, they shall return it to the Executive for its promulgation.

If the Congress declares the objections not well founded, by two-thirds of the members present, the President of the Republic shall promulgate the bill within the next ten days. If he fails to do so, the bill shall be promulgated by the president of the Congress.

ART. 80. Chamber and legislative resolutions do not require promulgation by the Executive.

ART. 81. Promulgation of laws shall be made by the President of the Republic in this form:

"Whereas, the national Congress has approved the following law:

"Therefore, I promulgate it so that it may be established and enforced as a law of the Republic."

Parliamentary decisions shall be promulgated in this form:

"The national Congress of the Republic, Resolves: Whereas, it has been decided according to the Constitution."

ART. 82. A law is obligatory from the day of its promulgation, unless the law itself includes a provision to the contrary.

TENTH SECTION

Executive Power

ART. 83. The executive power is exercised by the President of the Republic conjointly with the Ministers of State.

ART. 84. The President of the Republic shall be elected by direct suffrage. The Vice-President shall be elected at the same time and in the same way.

ART. 85. The constitutional term of the President and Vice-President of the Republic is six years and is not extensible. They cannot be re-elected, nor the Vice-President be elected President of the Republic, without six years having passed from the end of their term.

ART. 86. To be elected President or Vice-President of the Republic the qualifications for Senator are necessary.

ART. 87. The following may not be elected President or Vice-President of the Republic:

1st. Ministers of State, unless they resign from their office six months before the day of election.

2nd. Active members of the armed force and those of the regular clergy.

3rd. Relatives within the second degree of consanguinity and affinity of those who exercise the presidency or vice-presidency of the Republic during the last year previous to the presidential election.

4th. Contractors of public works and services; administrators and directors, agents and representatives of enterprises subsidized by the State or of societies and establishments in which the national treasury has pecuniary participation; administrators and collectors of public funds until they have closed their accounts.

ART. 88. If none of the candidates for the presidency or vice-presidency of the Republic obtains an absolute plurality [i.e., a majority] of votes, the Congress will make a selection from among the three of them who have obtained the greatest number for one or the other office.

If, after the first counting of votes, no person has received an absolute majority of the votes of the representatives present, the subsequent ballot shall be limited to the two who have received the greatest number of votes. In case of a tie, the ballot shall be repeated until one of the candidates obtains an absolute majority.

The election, the scrutiny, and the proclamation shall be made in a regular and public session.

ART. 89. The proclamation of the President and Vice-President of the Republic shall be announced to the Nation by means of a law.

ART. 90. The President and Vice-President of the Republic, upon taking possession of office, shall solemnly swear before the Congress faithfulness to the Republic and to the Constitution.

ART. 91. In case of the temporary incapacity or absence of the President of the Republic, before or after his proclamation, the Vice-President will replace him provisionally, and, in default of the latter, the president of the Senate or, in his default, that of the Chamber of Deputies.

The Vice-President will assume the presidency of the Republic if it becomes vacant, before or after proclamation of the President-elect, and will exercise it until the end of the constitutional term. In default of the Vice-President, the president-elect of the Senate will substitute for him, and in his default, that of the Chamber of Deputies. In this last case, if three years of the presidential term have not yet elapsed a new election of President and Vice-President will be held, only for completing said term.

ART. 92. When the Vice-President does not exercise the executive power he will discharge the office of president of the Senate, although this Chamber may elect its president to substitute for him in his absence.

ART. 93. The President of the Republic may not be absent from national territory without permission from the Congress.

ART. 94. The duties of the President are:

1st. To execute the laws and cause them to be enforced, issuing the decrees and orders necessary, without privately defining rights, changing those defined by law, or violating their provisions, and preserving the restrictions mentioned in this Constitution.

2nd. To negotiate and conclude treaties with foreign Nations, and exchange them, with the previous ratification of the Congress.

3rd. To appoint diplomatic officials, consuls, and consular agents; to admit foreign officials of this class; and to conduct foreign relations in general.

4th. To contribute to the making of laws by means of special messages or the parliamentary intervention of the respective Ministers.

5th. To convoke the Congress in extraordinary sessions.

6th. To administer national income and decree its expenditure through the intermediation of the Ministers of the respective departments, according to the law and with strict compliance to the budget.

7th. To present to the Congress at the end of each fiscal period the budget bill for the following period, and to propose, during its observance, the alterations or modifications that need and experience indicate for revenues or expenditures of fixed or variable character. Accounts of expenditure of funds will be presented annually.

8th. To oversee municipal resolutions, especially those relative to income and taxes; to denounce before the Senate those contrary to the Constitution and laws, provided the transgressing municipality does not accept the suggestions of the Executive.

9th. To present to the Congress annually, in the first regular session, a written message regarding the state and course of administrative business during the year, accompanied by ministerial reports.

10th. To supply the Chambers, through the Ministers, with information requested, with the privilege of reserving that relative to diplomatic affairs that in his opinion should not be published.

11th. To commute the death sentence according to the laws.

12th. To cause the sentences of the tribunals to be enforced.

13th. To decree amnesty for political offenses, without prejudice to those that the Legislature may grant.

14th. To grant old-age pensions, other pensions, and gratuity funds, in conformity with the law.

15th. To exercise the rights of national patronage in churches, charitable and other institutions, and as regards ecclesiastical property and persons.

16th. To select archbishops and bishops, appointing them from the panel proposed by the Senate, and to appoint dignitaries, canons, and prebendaries from among those proposed by ecclesiastical chapters.

17th. To grant or deny an exequatur for conciliar decrees, briefs, bulls, and rescripts of the Supreme Pontiff, with the approval of the Senate, a law being

necessary when general and permanent provisions are contemplated.

18th. To appoint the Attorney General of the Republic and the Comptroller General from the panels proposed by the Senate.

19th. To appoint the administrative employees whose designation is not reserved by law to another branch, and to issue their commissions.

20th. To appoint substitutes, in case of resignation or death, for the employees who are appointed by another branch, when the latter is in recess.

21st. To be present at the opening and closing of the Congress.

22nd. To preserve and defend internal order and the external security of the Republic, in conformity with the Constitution.

23rd. To designate the commander-in-chief of the army.

24th. To confer the ranks of colonel and general in the name of the Nation on the field of battle during international war.

25th. To grant, according to law, temporary exclusive privileges to those who invent, improve, or import systems or methods useful in the sciences or arts, and to indemnify them in case the secret of invention, improvement, or importation is made public.

26th. To create and keep minor ports in good condition.

ART. 95. The rank of captain general of the army is included in the functions of the President of the Republic.

ART. 96. The President of the Republic shall visit different centers of the country at least once during his term of office to study their needs, rendering an account of his observations to the Legislature.

ELEVENTH SECTION

Ministers of State

ART. 97. The affairs of public administration shall be dispatched by the Ministers of State, the number of whom shall be determined by law. A decree of the President of the Republic shall designate their appointment or removal.

ART. 98. To be a Minister of State the same qualifications are required as for a Deputy.

ART. 99. Ministers of State, conjointly with the President of the Republic, are responsible for the acts of administration in their respective departments. Their responsibility shall be collective for acts approved in Cabinet Council.

ART. 100. All the decrees and measures of the President of the Republic shall be signed by the Minister of the respective department. They shall not be enforced without this prerequisite.

ART. 101. Ministers of State may attend the debates of either of the Chambers, but must retire before the balloting.

ART. 102. As soon as the Congress opens its session, the Ministers shall present their respective reports regarding the state of the administration, in the form expressed in Article 94, Clause 9.

ART. 103. The statement of expenditure of income that shall be presented to the Congress by the Minister of Finance shall carry the approval of the other Ministers in matters referring to their respective departments.

All Ministers shall join in the preparation of the general budget in regard to their respective departments.

ART. 104. A verbal or written exoneration from the President of the Republic shall not relieve Ministers of their responsibility.

ART. 105. They may be arraigned for the crimes they may commit in the exercise of their functions, in conformity with the law of responsibility.

TWELFTH SECTION

Local Government

ART. 106. Departmental government, both political and administrative, shall be in charge of prefects, subprefects, and *corregidores* whose duties and qualifications for eligibility shall be determined by law.

THIRTEENTH SECTION

Economic and Financial Organization

ART. 107. The economic system must correspond essentially to the principles of social justice that tend to secure for all inhabitants a standard of living proper for a human being.

ART. 108. Besides the property which at present constitutes the domain of the State according to law, the following also have this title: all substances of the mineral kingdom, unoccupied lands with all their natural resources, and lake, river, and medicinal waters, as well as all physical forces susceptible of economic utilization. The law shall establish the conditions of this domain, as well as the manner of transferring it to private parties.

ART. 109. The State may by law regulate the exercise of commerce and industry when public security or necessity imperatively requires it. It may also assume the superior direction of national economy under these circumstances. This intervention shall be exercised in the form of control, of stimulation, or of direct promotion.

ART. 110. The State may, with congressional approval, establish fiscal monopolies for specified exports if the needs of the country require it. It will also control the circulation of foreign money.

Exportation of government or private petroleum and derivatives may be made only by the State or an entity representing it.

Importation of prime materials for national industry may also be made only by the State or an entity representing it.

ART. 111. All enterprises established for exploitation, profitable utilization, or business in the country are considered national and are subject to the sovereignty, to the laws, and to the authorities of the Republic.

ART. 112. The revenues of the State are divided into national, departmental, and municipal, and shall be administered independently by their treasuries. No money shall be withdrawn from these treasuries except in conformity with the respective budgets.

An organic law will classify national, departmental, and municipal receipts.

Departmental, municipal, or university revenues, collected by offices independent of the national treasury, may in no manner be centralized in the said treasury.

ART. 113. The Legislature will fix the respective budget for each fiscal term on the initiative of the Executive. During the fiscal year, fixed revenues and expenditures may be modified only by special law initiated by the Executive. Supplementary credits and credit transfers from one part or item and from one chapter to another in the same section, may be decreed by the Executive, during parliamentary recess, on condition of presenting a report of such credits or transfers to the national Congress for its approval.

ART. 114. The law will indicate the term of each fiscal operation, according to economic plans proposed by the Executive. National and departmental budget bills will be presented to the Congress by the Executive in the previous session at the end of the fiscal year. After the respective committee report or lapse of the prescribed period, they will be discussed immediately, by chapters, in congressional sessions within sixty days. The Congress may only accept, reject, or decrease global items of each chapter. If the indicated term passes without the budget bill having been approved, it will have the force of law.

ART. 115. Every bill that involves expenses for the State must indicate, in the proper place, the manner of covering them and the form of disbursement.

ART. 116. The public debt is guaranteed. Every obligation of the State, contracted in conformity with the laws, is inviolable.

ART. 117. The floating debt that the Executive may contract within a fiscal year must inevitably be extinguished by the following fiscal transaction.

ART. 118. A general account of the income and expenditures of each financial undertaking shall be presented by the Minister of Finance to the Congress, in the first regular session.

ART. 119. Autonomous or semi-autonomous entities of the State must also present annually to the Congress an account of their income and expenses, accompanied by a report from the Comptroller General of the Republic.

ART. 120. Departments and municipalities may not create protective or prohibitive systems that affect the interests of other regions of the Republic, or enact ordinances in favor of the inhabitants of one Department and to the exclusion of other Bolivians.

ART. 121. An office for accountancy and fiscal audit shall be established which shall be called the office of the Comptroller General of the Republic.

The law shall determine the duties and responsibilities of the Comptroller General and of the officials subordinate to him. The Comptroller General shall be directly responsible to the President of the Republic and shall be appointed by the latter from the panel proposed by the Senate; he shall have the remuneration of a Minister of State and shall enjoy the same irremovability as the Ministers of the Supreme Court of Justice.

FOURTEENTH SECTION

Social Organization

ART. 122. Work and capital, as factors of production, enjoy the protection of the State.

ART. 123. The law shall regulate obligatory insurance for sickness, accidents, involuntary unemployment, physical disability, old age, maternity, and death, eviction from lodgings and indemnifications to working men and day laborers, the work of women and minors, the maximum number of working hours, minimum wage, rest on Sundays and holidays, annual and puerperal vacations with pay, medical and hygienic care, and other social benefits for the protection of workers.

ART. 124. The State shall develop, by means of adequate legislation, the organization of all kinds of co-operatives.

ART. 125. The State shall enact measures for protecting the health and life of working men, employees, and farm laborers; it shall see that these have healthy lodgings and it shall promote the construction of cheap houses; it shall also provide technical education for manual laborers.

The authorities shall likewise control the conditions of security and public health that must be maintained in professions or trades, as well as work on farms and in mines.

ART. 126. Free professional and trade union association is guaranteed and collective labor contracts are recognized. Union jurisdiction and the right of strike are likewise recognized as means of defense for workers, conformably to law; they cannot be discharged, prosecuted, or imprisoned for their union activities.

ART. 127. The law shall determine the system of participation of employees and workers in the profits of concerns.

ART. 128. The State shall, by means of tribunals and special organs, settle conflicts between employers and workers or employees.

ART. 129. The rights and benefits recognized by law in favor of laborers and employees may not be renounced. Agreements to the contrary or which tend to contravene its effects are void.

ART. 130. Social aid is a function of the State. The law shall delimit the conditions of this aid. Sanitation is of a coercive and obligatory character.

FIFTEENTH SECTION

The Family

ART. 131. Matrimony, the family, and maternity are under the protection of the State. Juridical equality of spouses is established.

Matrimony in fact is recognized in concubinary unions with the lapse of only two years of life together, verified by all means of proof of the birth of a child, provided the parties have legal capacity to contract marriage. The law of civic registry will perfect these unions in fact.

ART. 132. The law does not recognize inequality among children; all have the same rights and duties. Investigation of paternity is permitted, conformably to law.

ART. 133. Laws will determine the unattachable and inalienable family patrimony, and also aid to families in relation to the number of children.

ART. 134. Defense of the physical, mental, and moral health of infancy is the prime duty of the State. The State defends the rights of the child to a home, to education, and to ample assistance when it is abandoned, sick, or in trouble. The State shall commit the fulfillment of the provisions of this article to adequate technical organizations.

SIXTEENTH SECTION

Judicial Power

ART. 135. The judicial power is exercised by the Supreme Court, the district and other tribunals and courts that the laws may establish.

The administration of justice in tribunals and courts is free.

ART. 136. Judges are independent and responsible only to the law.

ART. 137. Exceptional tribunals shall not be established.

ART. 138. Publicity in trials is an essential condition of the administration of justice, except when it may be offensive to morals.

ART. 139. Tribunals shall not, under strict responsibility, accept magistrates or judges who have not been appointed in conformity with this Constitution and the secondary laws.

ART. 140. The functions of ordinary justice are:

1st. To hear and decide all suits between individuals and between these and the State when the latter acts as a person of private law.

2nd. To decide the direct appeals for annulment made to enforce Article 27 of the Constitution against any act or resolution of a public authority that is not judicial in character. These appeals shall be substantiated and decided by the tribunals and judges who have legal authority to judge in the first instance the official who has exceeded his powers.

ART. 141. The Supreme Court shall be composed of ten Ministers and is divided into two chambers.

ART. 142. To be a Minister of the Supreme Court or to be Attorney General it is necessary to have practiced the profession of attorney with honor for ten years and to have the qualifications required for a Senator.

ART. 143. Besides the duties indicated by law, the Supreme Court shall:

1st. Represent and direct the Judiciary.

2nd. Appoint members of the district courts and other judges, in conformity with the law; the president of the Supreme Court shall issue their respective commissions.

3rd. Decree the budgets of their branch, ordering their payment from the national treasury.

4th. Hear appeals of annulment, in conformity with the laws, and decide the principal question at the same time.

5th. Hear in sole instance matters of pure law, the decision of which depends on the constitutionality or unconstitutionality of laws, decrees, or any kind of resolutions.

6th. Hear cases involving the responsibility of diplomatic and consular agents, surveyors, national delegates, the Comptroller General, rectors of the university, judges of the superior courts, district prosecutors, prefects, and the other officials stated by law for crimes committed in exercise of their functions.

7th. Hear litigious cases that result from contracts, negotiations, and concessions of the Executive and from the litigious administrative charges arising from actions of the same.

8th. Hear all the litigious affairs relative to the national patronage exercised by the Government.

9th. Adjust the differences that arise between municipalities and between the latter and political authorities and between one and the other with provincial municipalities.

10th. Hear in sole instance suits against actions of the Legislature or of one of the Chambers when such actions affect one or more concrete decrees, whether civil or political, and without distinction of interested persons, provided that the complaints do not refer to the certification of the credentials of national representatives.

11th. Hear and decide questions arising between Departments in regard to their boundaries or on other controverted rights.

ART. 144. Besides the duties indicated by law, district courts shall judge municipal mayors and members of deliberative councils for crimes committed in the exercise of their functions, individually or collectively, and shall hear suits to annul their election.

Subprefects shall be subject to the same jurisdiction.

ART. 145. Ministers of the Supreme Court shall continue in their functions ten years, those of the district courts six years, and circuit and instructional judges four years, their reelection being permitted.

During these terms, which are inviolable, no magistrate or judge may be

deprived of office except by an executed court sentence, or suspended, except in cases determined by law. He may be transferred only with his express consent.

ART. 146. The Public Ministry is exercised in the name of the Nation by committees designated by the legislative Chambers, by the Attorney General, or by any other officials to whom the law confides said ministry.

ART. 147. The Attorney General shall be appointed by the President of the Republic at the proposal of the Senate. He shall continue in his functions ten years and he may be reappointed but may not be removed except by virtue of a condemnatory sentence pronounced by the Supreme Court.

SEVENTEENTH SECTION

Communal Organization

ART. 148. Communal government is autonomous. There shall be, in the capitals of Departments, provinces, and sections of provinces, remunerated mayors, advised by a deliberative council the organization and duties of which are determined by law. There are communal agents in the cantons.

Members of the deliberative councils will be elected by popular vote; municipal mayors [will be appointed] by the President of the Republic from a panel which the respective councils will choose from among their members and which will be formed by two from the majority and one from the minority. They will continue two years in their functions.

ART. 149. The deliberative council shall have financial and legislative power in municipal affairs with regard to the following:

- 1st. To enact annually the budget of revenues and expenses.
- 2nd. To present an annual list of licenses and taxes to the Senate for its approval.
- 3rd. To prepare panels for employees for designation by the mayor.
- 4th. To hear appeals from the decisions adopted by the mayor.
- 5th. To indict the mayor before the superior court of the district for criminal or correctional judgment, because of crimes committed in the exercise of his functions.

6th. To receive the annual report of the mayor on the day a new municipal administration is begun.

7th. To accept legacies and gifts.

ART. 150. Mayors of departmental capitals shall exercise vigilance over provincial mayors and the latter over cantonal agents.

ART. 151. To be a mayor or a member of a deliberative council it is necessary to be an active citizen and a resident of the town.

ART. 152. The duties of mayors are:

- 1st. To oversee the services relative to cleanliness, comfort, embellishment, city planning, and recreation.

- 2nd. To guard public morals.
 - 3rd. To control prices of goods of prime necessity and those of public spectacles.
 - 4th. To supervise the services of social welfare and charity.
 - 5th. To promote popular culture.
 - 6th. To collect, administer, and expend municipal income.
 - 7th. To provide that towns have supplies for livelihood, in agreement with the deliberative council.
 - 8th. To negotiate loans for public works of recognized necessity, with previous authorization by the deliberate council and approval of the Senate.
 - 9th. To utilize public forces for the enforcement of his decisions.
 - 10th. To suppress speculation and the raising of rents.
- ART. 153. Ordinances for municipal licenses and taxes shall not be in force without the previous approval of the Senate.

EIGHTEENTH SECTION

Educational System

ART. 154. Education is the highest function of the State. Public instruction shall be organized according to the single school system. School attendance for children between the ages of seven and fourteen years is obligatory. Primary and secondary instruction by the State is free.

ART. 155. The State shall economically aid apt students who do not have access to higher education for lack of funds, so that vocation and capacity may be conditions prevailing over the socio-economic position of individuals.

ART. 156. Schools of a private character shall be subject to the same authorities, plans, programs, and official rules. Liberty of religious instruction is recognized.

ART. 157. Schools maintained by charitable institutions shall have the co-operation of the State.

ART. 158. Primary, secondary, normal, and special education shall be regulated by the State, through the Minister of the branch and in accordance with the educational statute.

Teaching positions are irremovable, under conditions stipulated by law.

ART. 159. Public universities are autonomous and equal in hierarchy. Autonomy consists in the free administration of their funds, appointment of their rectors, teaching, and administrative personnel, formation of statutes and curricula, approval of their annual budgets, acceptance of legacies and gifts, the negotiation of contracts and the undertaking of obligations to realize their objectives and maintain and improve their institutions and faculties. They may negotiate loans, using their property and funds as guarantee, with previous legislative approval.

ART. 160. Only public universities are authorized to grant academic diplo-

mas. The Government grants degrees in the State's name, by national decree.

ART. 161. It is an obligation of the treasury to subsidize public universities with national funds, independently of departmental, municipal, and their own funds that are already created or shall be created in the future.

ART. 162. Education is subject in all grades to the protection of the State, exercised by mediation of the Minister of Education.

ART. 163. Artistic, historic, and archeological wealth and that proceeding from religious worship is the cultural treasure of the Nation; it shall be under the protection of the State and may not be exported. Buildings and places declared to have historic or artistic value shall be preserved by the State.

ART. 164. The State shall promote the culture of the people.

NINETEENTH SECTION

Concerning Rural Life

ART. 165. The State recognizes and guarantees the legal existence of native communities.

ART. 166. Native and agrarian legislation shall be accepted, taking into account the characteristics of different regions of the country.

ART. 167. The State shall promote the education of rural dwellers by means of natives' scholastic centers having integral character and including economic, social, and pedagogic aspects.

TWENTIETH SECTION

The Armed Forces

ART. 168. The permanent armed force is composed of the regular army, the size of which shall be determined in each legislative session. It is essentially obedient, not deliberative, and subject to military laws and regulations.

Every Bolivian is obliged to give military service in accord with the law.

ART. 169. The army is fundamentally in charge of the conservation of internal order and the external security of the country. It shall co-operate in the work of roads, communications, and colonization.

ART. 170. The army is subordinate to the President of the Republic and receives orders from him, through the Minister of Defense in administrative affairs and through the commander-in-chief in technical matters.

In case of war, the commander-in-chief of the army shall direct operations.

The President of the Republic has authority to designate and change the commander-in-chief.

ART. 171. No alien shall serve in the army without previous authorization from the Congress.

To hold the ranks of commander-in-chief of the army and major general chief of staff, it is necessary to be a Bolivian by birth.

ART. 172. All promotions shall be granted according to the respective law.

ART. 173. The supreme council of national defense, the organization and duties of which shall be determined by law, shall be formed by the President of the Republic, the Ministers of State, the commander-in-chief, and the major general chief of staff.

TWENTY-FIRST SECTION

Constitutional Amendments

ART. 174. This Constitution may be reformed in part, when the necessity for so doing has been declared previously and the amendment incorporated in an ordinary law approved by two-thirds of the members present in each one of the Chambers.

This law may be begun in either of the Chambers in constitutional form.

The law authorizing the amendment shall be sent to the Executive for promulgation.

ART. 175. During the first sessions of the legislative term in which there is a renewal of membership in the Chamber of Deputies, the proposed matter shall be referred to the Chamber in which the amendment originated and if the latter is approved by a two-thirds vote of members present, it shall pass to the other Chamber for revision, where it must also be passed by a two-thirds vote.

The other proceedings shall be the same as the Constitution indicates for the relations between the two Chambers.

ART. 176. The Chambers shall debate and vote on the amendment, adjusting it to the constitutional provisions determined by the law for authorizing the amendment.

The approved amendment shall pass to the Executive for promulgation without alteration on his part.

ART. 177. When the amendment refers to the constitutional term of the President of the Republic it shall be applied only in the following term.

ART. 178. The Chambers may resolve any doubts that occur in regard to the interpretation of any articles of the Constitution, if declared well founded by a two-thirds vote, observing in the other proceedings the formalities prescribed for an ordinary law.

Interpretative laws may not be objected to by the President of the Republic.

ART. 179. The authorities and tribunals shall apply this Constitution with preference to laws and the latter with preference to any other resolutions.

ART. 180. The laws and decrees that may be opposed to this Constitution are hereby abrogated.

Let it be communicated to the Executive for constitutional purposes.

Hall of sessions of the National Convention.

La Paz, November 23rd, 1945.

Brazil



FOLLOWING Brazil's bloodless achievement of independence from Portugal, steps were taken to establish a constitutional basis for the state, and in due course a not entirely representative constituent assembly met on May 3, 1823. The constitution that it projected called for a hereditary monarchy, an imperially chosen privy council, senators appointed for life by the emperor, an elective chamber of deputies, and a responsible ministry. Political differences between the assembly and the emperor led to the dissolution of the former by Pedro I on November 12, 1823, and the drafting of a new constitution—solely by exercise of the imperial prerogative—by a commission of the emperor's councilors. Pedro swore allegiance to the new document, which was based in part on the rejected draft of 1823, on March 25, 1824, and it then began a life of almost two-thirds of a century.

In some respects the law of 1824 was more liberal than the proposed constitution of the previous year, although the position and prerogatives of the emperor were more favorably established. The unique feature of the Brazilian imperial constitution was the division of the national government into four powers or branches—the executive, legislative, judicial, and moderative. The last-mentioned was “the key to the entire political organization.” Exercised exclusively by the emperor, it embraced the nomination of senators, the convening of the parliament and the dissolution of the chamber of deputies, the appointment and dismissal of ministers, and other aspects. These functions, usually regarded as executive in character, were alleged by the emperor's political opponents to have been used by Pedro II to establish an irresponsible dictatorship. At the same time, however, the principle of ministerial responsibility to the chamber of deputies was becoming more firmly established. Amendments embodied in the so-called *Acto Adicional* were adopted on August 12, 1834, the chief effects being the abolition of the council of state and the institution of some degree of decentralization, with greater autonomy vested in the provinces, successors to the colonial captaincies.

Despite the personal popularity and fundamentally satisfactory rule of Dom Pedro II, a long series of contributing factors led to a republican revolution on November 15, 1889, and this was a prelude to the first republican constitution, dated February 24, 1891. The provisional government on December 3, 1889, had appointed a commission to prepare a draft constitution for the consideration of a constituent assembly that met on November 15, 1890. The chief author of the constitution was Ruy Barbosa. The greatest single influ-

ence in shaping the Brazilian republican constitution was the basic law of the United States, though the former anticipated its prototype in providing originally for the direct election of senators. At many other points the inspiration of the United States constitution was obvious, even in matters of phraseology. The republic abandoned any semblance of parliamentary government; it also transformed the provinces into states and granted them increased autonomy.

A revolution in 1930 was followed by a provisional organic law announced on November 11, 1930, by the provisional president, Getulio Vargas. Following a serious civil war in 1932, a constituent assembly met November 5, 1933, to plan a restoration to a constitutional basis. It drafted a new constitution, dated July 16, 1934. This document maintained a federal type of organization, though going a considerable distance in the direction of centralization. Probably the most novel feature of the new law was the provision for a partial economic representation in the chamber of deputies. The constitution also provided for woman suffrage (though maintaining a literacy qualification), freedom of worship and civil marriage (though prohibiting divorce), and various advanced social and economic schemes.

Presidential elections were scheduled for January, 1938, but in a dramatic *coup* on November 10, 1937, President Vargas suspended them, along with the 1934 constitution, and proclaimed a new fundamental law, said to be largely of the authorship of Francisco Campos, a key member of the Vargas cabinet. Evidence exists that Vargas was at work on a new constitution as early as the middle of 1936. The new charter included various innovations and represented a long step toward centralization. It was amended by decree at various times, most comprehensively early in 1945 by a series of detailed changes looking toward subsequent elections. A political crisis culminating in the resignation of President Vargas on October 29, 1945, led to the convening of a new constituent assembly early in 1946 to draft a basic law to replace the 1937 document. Work on the new constitution, Brazil's fifth, was completed early in September, and the document was signed and promulgated on September 18, 1946.

CONSTITUTION OF THE UNITED STATES OF BRAZIL

TITLE I

Concerning the Federal Organization

CHAPTER I

Preliminary Provisions

ARTICLE 1. The United States of Brazil maintain, under the representative system, the Federation and the Republic.

All power emanates from the people and shall be exercised in its name.

§1. The Union includes, in addition to the States, the federal district and the territories.

§2. The federal district is the capital of the Union.

ART. 2. The States may form associations among themselves, subdivide, or dismember in order to annex themselves to others or to form new States, by means of a vote of the respective legislative assemblies, a plebiscite of the populations directly interested, and the approval of the national Congress.

ART. 3. The territories may, by means of a special law, constitute themselves into States, subdivide into new territories, or return to participate in the States from which they were separated.

ART. 4. Brazil shall resort to war only in case of non-applicability or failure of resort to arbitration or pacific means of solution of the conflict, regulated by any international organ of security in which it may participate; and in no case shall it embark on a war of conquest, directly or indirectly by itself or in alliance with another State.

ART. 5. The Union shall have power:

1st. To maintain relations with foreign States and to negotiate treaties and conventions with them.

2nd. To declare war and to make peace.

3rd. To decree, extend, and suspend a state of siege.

4th. To organize the armed forces, the security of the frontiers, and external defense.

5th. To permit foreign forces to pass through national territory, or, for reasons of war, to remain therein temporarily.

6th. To authorize the production of and supervise the trade in war material.

7th. To superintend, in all the national territory, the services of maritime, air, and frontier policing.

8th. To coin and issue money and to establish banks of emission.

9th. To supervise the operations of credit, capitalization, and insurance establishments.

10th. To establish a national plan of transport.

11th. To maintain the postal service and the national air mail.

12th. To develop, directly or by means of authorization or concession, the services of telegraphs, radio communication, radio broadcasting, interstate and international telephones, air navigation, and railways linking seaports and national frontiers or crossing the boundaries of a state.

13th. To organize permanent defense against the effects of drought, rural endemic diseases, and floods.

14th. To grant amnesty.

15th. To legislate upon:

I. Civil, commercial, penal, procedural, electoral, aeronautical, and labor law.

II. General norms of law with respect to finance; insurance and social security; defense and protection of health; and the penitentiary system.

III. Production and consumption.

IV. The pattern and bases of national education.

V. Public registries and commercial boards.

VI. The organization, instruction, judging and guarantees of the military police, and general conditions of their utilization by the federal Government in cases of mobilization or of war.

VII. Expropriation.

VIII. Civil and military requisitions in time of war.

IX. The system of ports and of coastwise navigation.

X. Interstate traffic.

XI. Foreign and interstate commerce; institutions of credit, exchange and transfer of values outside of the country.

XII. Subsoil wealth, mining, metallurgy, waters, electric energy, forests, hunting and fishing.

XIII. The monetary system and that of measures; title and guarantee of metals.

XIV. Naturalization, the entry, extradition, and expulsion of foreigners.

XV. Emigration and immigration.

XVI. Conditions of capacity for the exercise of technical, scientific, and liberal professions.

XVII. Use of the national symbols.

XVIII. Incorporation of forest dwellers into the national community.

ART. 6. The federal power to legislate upon the matters of Art. 5, Number XV, letters b, c, d, f, h, k, l, o and r [i.e., 15th clause, II, III, IV, VI, VIII, XI, XII, XV, and XVIII, above] does not exclude supplementary or complementary state legislation.

ART. 7. The federal Government shall not intervene in the States, except:

- 1st. To maintain the national integrity.
- 2nd. To repel foreign invasion or that of one State into another.
- 3rd. To put an end to civil war.
- 4th. To guarantee the free exercise of any of the state powers.
- 5th. To assure the execution of a judicial order or decision.
- 6th. To reorganize the finances of any State which, without reasons of *force majeure*, may suspend, for more than two consecutive years, the service on its funded external debt.
- 7th. To assure the observance of the following principles:
 - I. A representative republican form.
 - II. Independence and harmony of the branches.
 - III. Temporality of the elective functions, the duration of the latter being limited to that of the corresponding federal functions.
 - IV. Prohibition of the re-election of governors and prefects for the period immediately following.
 - V. Municipal autonomy.
 - VI. The rendering of administrative accounts.
 - VII. Guarantees of the Judiciary.

ART. 8. The intervention shall be decreed by federal law in the cases of Numbers VI and VII [i.e., 6th and 7th clauses] of the preceding article.

Sole Paragraph. In the case of Number VII, the act alleged to be unconstitutional shall be submitted by the Attorney General of the Republic to examination by the federal Supreme Tribunal, and, if the latter so declares, intervention shall be decreed.

ART. 9. The President of the Republic shall have power to decree intervention in the cases of Number I to V [i.e., 1st to 5th clauses] of Article 7.

§1. Issuance of a decree shall depend upon:

1st. In the case of Number V [i.e., 5th clause], the requisition of the federal Supreme Tribunal, or, if the order or decision should be of electoral justice, the requisition of the electoral tribunal.

2nd. In the case of Number IV [i.e., 4th clause], the request of the Legislature or of the Executive, coerced or impeded, or the requisition of the federal Supreme Tribunal, if the coercion should be exercised against the Judiciary.

§2. In the second case provided for by Article 7, Number II [i.e., 2nd clause], the intervention shall be decreed only in the invading State.

ART. 10. In cases other than requisition by the federal Supreme Tribunal or the electoral tribunal, the President of the Republic shall decree the intervention and shall submit it, without prejudice to its immediate execution, to the approval of the national Congress, which, if it should not be functioning, shall be convoked in extraordinary session for this purpose.

ART. 11. The law or decree of intervention shall fix its scope, its duration, and the conditions under which it must be executed.

ART. 12. The President of the Republic shall have power to make the intervention effective and, if necessary, to appoint the interventor.

ART. 13. In the cases [enumerated] in Article 7, Number VII [i.e., 7th clause], and the provisions of Article 8, Sole Paragraph, the national Congress shall be limited to suspended execution of the act alleged to be unconstitutional, if this measure is sufficient for the re-establishment of normality in the State.

ART. 14. The reasons that may have determined the intervention, having ceased, the State authorities removed in consequence of it shall return to the exercise of their offices.

ART. 15. The Union shall have power to decree taxes upon:

1st. Importation of merchandise of foreign origin.

2nd. Consumption of merchandise.

3rd. Production, commerce, distribution, and consumption, as well as importation and exportation of liquid or gaseous fuels of whatever origin or nature, this system being extended, in so far as it may be applicable, to the minerals of the country and to electric energy.

4th. Income and profits of whatever nature.

5th. Transfer of funds abroad.

6th. The business of its own economy, acts and instruments regulated by federal law.

§1. Articles classified by law as the minimum indispensable to housing, clothing, nourishment, and medical treatment of persons of limited economic capacity are exempt from consumption tax.

§2. The taxation dealt with in Number III [i.e., 3rd clause] shall have the form of a single tax, which shall fall upon each kind of product. Of the resulting revenue, sixty per cent, as a minimum, shall be delivered to the States, to the federal district, and to the municipalities in proportion to their area, population, consumption, and production, according to the terms and for the purposes established in federal law.

§3. The Union may tax the income from obligations of the state or municipal public debt and the profits of agents of the State and municipalities, but it cannot do so to an extent greater than fixed for its own obligations and for the profits of its own agents.

§4. The Union shall deliver to the municipalities, excluding those of the capital, ten per cent of the total it may collect of the tax dealt with in Number IV [i.e., 4th clause], with distribution being made in equal parts and at least half of the amount applied to measures of importance in benefits of a rural nature.

§5. Neither the juridical acts to which the Union, the States or the municipalities may be parties, nor the instruments to which these acts may be reduced, nor those the taxation of which may belong to the powers established

in Articles 19 and 29, are included in the provisions of Number VI [i.e., 6th clause].

§6. In the imminence or in case of foreign war, the Union is empowered to decree extraordinary taxes, which shall not be distributed in the manner of Article 21, and shall be eliminated gradually, within five years, counted from the date of the signing of peace.

ART. 16. The Union shall, moreover, have power to decree the taxes provided for in Article 19 which must be collected by the territories.

ART. 17. The Union is forbidden to decree taxes which are not uniform in all of the national territory, or which may result in distinction or preference for the former or for any portion, to the detriment of any other State.

ART. 18. Each State shall govern itself by the constitution and by the laws that it may adopt, observing the principles established in this Constitution.

§1. All powers which, implicitly or explicitly, are not forbidden to them by this Constitution are reserved to the States.

§2. The States shall provide for the necessities of their government and for its administration, but, in case of public calamity, the Union will lend them aid.

§3. The States may, by agreement with the Union, charge federal officials with the execution of state laws and services or of acts and decisions of their authorities; and, reciprocally, the Union may, in matters within its competence, entrust analogous duties to state officials, providing the necessary expenses.

ART. 19. The States shall have power to decree taxes upon:

1st. Territorial property, except urban.

2nd. Transfer of property by reason of death.

3rd. Transfer of real property between the living and its incorporation into the capital of companies or societies.

4th. Sales and consignments effected by merchants and producers, including industrialists, with exemption, however, of the first operation of the small producer, in conformity with the definition of state law.

5th. Exportation abroad of merchandise of its own production, up to the maximum of five per cent *ad valorem*, any additional taxes being prohibited.

6th. Acts regulated by state law, those of its judicial service, and the business of its economy.

§1. The land tax shall not fall upon sites of an area that do not exceed twenty hectares, when an owner who does not possess other real property works therein alone or with his family.

§2. The taxes upon the transfer of physical assets (numbers II and III [i.e., 2nd and 3rd clauses, above]) belong to the State in the territory of which these may be situated.

§3. The tax upon transfer by reason of death, of immaterial assets, including securities and credits, belongs to the State in the territory of which the

values of the inheritance may be liquidated or transferred to the heirs, even though the succession may have opened abroad.

§4. The States may not tax securities of the public debt emitted by other juridical persons of domestic public law, to an extent greater than that established for their own obligations.

§5. The tax upon sales and consignments shall be uniform, without distinction as to origin or destination.

§6. The federal Senate may, in exceptional cases, authorize an increase, for a fixed time, of the tax upon exports up to the maximum of ten per cent *ad valorem*.

ART. 20. When the state collection of taxes, except that of the export tax, shall exceed in any municipality other than that of the capital, the total of local revenues of whatever nature, the States are obligated to give [to such municipality] annually, thirty per cent of the excess collected.

ART. 21. The Union and the States may decree other taxes in addition to those attributed to them by this Constitution, but a federal tax shall exclude an identical state tax. The States shall make collection of such taxes, and, as this is effected, shall deliver twenty per cent of the proceeds to the Union and forty per cent to the municipalities.

ART. 22. Financial administration, especially the execution of the budget, shall be supervised in the Union by the national Congress, with the assistance of the tribunal of accounts, and in the States and municipalities according to the manner established in the state constitutions.

Sole Paragraph. The provisions of Articles 73 to 75 shall be observed in the preparation of the budget.

ART. 23. The States shall not intervene in the municipalities, except in order to regularize their finances, when:

1st. There shall occur a lack of punctuality in the service of a loan guaranteed by the State.

2nd. They fail to pay, for two consecutive years, their funded debt.

ART. 24. The State is permitted to create an organ for technical assistance to municipalities.

ART. 25. The administrative and judicial organization of the federal district and of the territories shall be regulated by federal law, observing the provisions of Article 124.

ART. 26. The federal district shall be administered by a prefect appointed by the President of the Republic, and a chamber elected by the people, with legislative functions.

§1. The appointment shall be made after the federal Senate has given assent to the name proposed by the President of the Republic.

§2. The prefect shall be dismissible at will.

§3. The chief judges of the tribunal of justice shall receive compensation

not inferior to the greatest remuneration of the magistrates of equal category in the States.

§4. The same taxes attributed by this Constitution to the States and to the municipalities shall belong to the federal district.

ART. 27. The Union, the States, the federal district, and the municipalities are forbidden to establish limitations upon traffic of whatever nature by means of interstate or intermunicipal taxes, except for the collection of tolls or of taxes intended exclusively for the repayment of expenses incurred for the construction and for the maintenance and improvement of roads.

ART. 28. The autonomy of municipalities shall be assured:

1st. By the election of the prefect and of the aldermen.

and. By self-administration in all matters concerning its own interest and, especially,

I. The decreeing and collection of taxes within its competence and the application of its revenues.

II. The organization of local public services.

§1. The prefects of the capitals as well as those of the municipalities wherever there should be natural mineral-water resorts, when improved by the State or by the Union, may be appointed by the governors of the States or of the territories.

§2. The prefects of such municipalities as federal law, at the indication of the council of national security, may declare as military bases or ports of exceptional importance for the external defense of the country shall be appointed by the governors of the States or of the territories.

ART. 29. In addition to the revenue which is attributed to them by virtue of Sections 2 and 4 of Article 15, and of the taxes which in whole or in part may be transferred to them by the State, the following taxes shall belong to the municipalities:

1st. Urban land and buildings.

2nd. License.

3rd. Industries and professions.

4th. Public diversions.

5th. Acts of their economy or matters within their competence.

ART. 30. The Union, the States, the federal district, and the municipalities shall have power to collect:

1st. A tax on improvements when there shall be an increase in value of real property, as a consequence of public works.

2nd. Taxes.

3rd. Any other revenues which may arise out of the exercise of their attributes and from the utilization of their properties and services.

Sole Paragraph. The tax on improvements cannot be demanded in amount greater than the expense realized or the increase in value which may accrue to the real property benefited [by the work].

ART. 31. The Union, the States, the federal district, and the municipalities are forbidden:

1st. To create distinctions between Brazilians or preferences favoring any States or municipalities against others.

2nd. To establish or subsidize religious sects or embarrass their exercise.

3rd. To have relations of alliance or dependence with any sect or church, without prejudice to reciprocal collaboration in furtherance of the collective interest.

4th. To refuse to honor public documents.

5th. To levy a tax upon:

I. Property, revenues, and services one of the other, without prejudice, however, to the taxation of public services rendered, observing the provisions of the Sole Paragraph of this article.

II. Temples of any sect, property and services of political parties, educational and social welfare institutions, provided that their income is applied entirely within the country for the respective purposes.

III. Paper intended exclusively for the printing of newspapers, periodicals, and books.

Sole Paragraph. Public services rendered do not enjoy exemption from taxation, except when the competent power may so determine, or when the Union may grant it with respect to its own services, in a special law, having in view the common interest.

ART. 32. The States, the federal district, and the municipalities may not establish any tax differential between goods of any nature by reason of their origin.

ART. 33. The States and the municipalities are forbidden to contract external loans without previous authorization from the federal Senate.

ART. 34. Among the properties of the Union are:

1st. Lakes and water courses in the territory of its domain or which border on more than one State, serve as boundaries with other countries, or extend to foreign territory; as well as river and lake islands in the boundary zones with other countries.

2nd. The portion of ceded lands that may be indispensable for the defense of frontiers, fortifications, military construction, and railways.

ART. 35. Among the assets of the state domain are included lakes and rivers in territory of its domain and those which have their source and mouth within state territory.

ART. 36. The branches of the Union are the legislative, the executive and the judicial, independent and harmonious among themselves.

§1. The citizen invested with the function of one of these shall not exercise that of another, save for the exceptions set forth in this Constitution.

§2. It is forbidden for any of the branches to delegate their attributes.

CHAPTER II

Concerning the Legislative Power

SECTION I

Preliminary Provisions

ART. 37. The legislative power is exercised by the national Congress, which is composed of the Chamber of Deputies and the federal Senate.

ART. 38. The election for Deputies and Senators shall be held simultaneously in all of the country.

Sole Paragraph. Conditions of eligibility for the national Congress are:

1st. To be a Brazilian (Article 129, Numbers I and II).

2nd. To be in the exercise of political rights.

3rd. To be more than twenty-one years of age for the Chamber of Deputies, and more than thirty-five years of age for the federal Senate.

ART. 39. The national Congress shall meet in the capital of the Republic, on March 15th of each year, and shall function until December 15th.

Sole Paragraph. The national Congress may be convoked in extraordinary session only by the President of the Republic or by the initiative of one-third of one of the Chambers.

ART. 40. Each Chamber shall have power to provide, in by-laws, for its own organization, policing and the filling of offices.

Sole Paragraph. Proportional representation of the national parties that participate in the respective Chamber shall be assured, in so far as possible, in the constitution of committees.

ART. 41. The Chamber of Deputies and the federal Senate, under the direction of the officials of the latter, shall meet in joint session in order to:

1st. Inaugurate the legislative session.

2nd. Elaborate common regulations.

3rd. Receive the oath of the President and of the Vice-President of the Republic.

4th. Deliberate upon a veto.

ART. 42. In each one of the Chambers, except for constitutional provision to the contrary, resolutions shall be taken by majority of votes, with an absolute majority of their members present.

ART. 43. The vote shall be secret in elections and in the cases established in Articles 45, §2, 63, No. I [i.e., 1st clause], 66, VIII [i.e., 8th clause], 70, §3, 211, and 213.

ART. 44. Deputies and Senators are inviolable, in the exercise of their mandate, for their opinions, words, and votes.

ART. 45. From the issuance of the certificate until the inauguration of the following legislative session, the members of the national Congress may not

be imprisoned except *in flagrante delicto* of non-bailable crime, nor prosecuted criminally, without the previous permission of their Chamber.

§1. In case of non-bailable crime *in flagrante delicto*, the documents shall be transmitted within forty-eight hours to the respective Chamber, in order that it may decide upon the imprisonment and authorize, or not, the indictment.

§2. The Chamber concerned shall always deliberate by a vote of the majority of its members.

ART. 46. Deputies and Senators, whether civilian or military, may not be incorporated into the armed forces except in time of war and by permission of their Chamber, being thereafter subject to military legislation.

ART. 47. Deputies and Senators shall receive, annually, an equal subsidy and shall have equal defrayment of expenses.

§1. The subsidy shall be divided in two parts: one fixed, which shall be paid in the course of the year, and the other variable, corresponding to their attendance.

§2. The defrayment of expenses and subsidy shall be fixed at the end of each legislative session.

ART. 48. Deputies and Senators may not:

1st. After the issuance of the certificate:

I. Negotiate a contract with a juridical person of public law, autarchic entities, or societies of mixed economy, except when the contract adheres to uniform standards.

II. Accept or exercise remunerated commission or employment from a juridical person of public law, autarchic entity, society of mixed economy or private firm holding a concession for public service.

2nd. After taking office:

I. Be a proprietor or director of a private firm which enjoys favor under a contract with a juridical person of public law, or exercise remunerated functions.

II. Occupy public office from which he may be dismissed at will.

III. Exercise another legislative mandate, whether federal, state, or municipal.

IV. Support a cause against a juridical person of public law.

§1. Infractions of the provisions of this article, as well as absence, without permission, from the sessions for more than six consecutive months, shall result in loss of the mandate, declared by the Chamber to which the Deputy or Senator may belong, upon the initiative of any of its members or documented representation by a political party or by the Attorney General of the Republic.

§2. The Deputy or Senator whose action may be held to be incompatible with parliamentary decorum shall likewise, by a vote of two thirds of his Chamber, lose his mandate.

ART. 49. It is permissible for a Deputy or Senator, with the previous permission of his Chamber, to discharge diplomatic missions of a temporary character, or to participate in congresses, conferences, and cultural missions abroad.

ART. 50. A public or military officer shall, during the period of his mandate, be separated from the functions of his office or post, with time of service being counted in his favor only for promotion, retirement, incorporation into the reserve, or removal.

ART. 51. A Deputy or Senator invested with the function of Minister of State, federal interventor, or Secretary of State, shall not lose his mandate.

ART. 52. In the case of the preceding article and in that of leave, in the form established by the by-laws, or in that of a vacancy in the office of Deputy or Senator, the respective substitute shall be called.

Sole Paragraph. If the case should be one of vacancy and there should be no substitute, the president of the Chamber concerned shall communicate the fact to the superior electoral tribunal to provide for an election, except if there should remain less than nine months to the end of the term. The Deputy or Senator elected to fill the vacancy shall exercise his mandate for the remaining time.

ART. 53. The Chamber of Deputies and the federal Senate shall create commissions of inquiry upon a given matter, provided that one-third of their members shall request it.

Sole Paragraph. The criterion established in the Sole Paragraph of Article 40 shall be observed in the organization of these committees.

ART. 54. Ministers of State are obliged to appear before the Chamber of Deputies or the federal Senate, or any of their committees, when one or the other Chamber shall call them to give, personally, information respecting previously determined matters.

Sole Paragraph. Failure [of the Minister] to appear, without justification, shall constitute a crime for which he is responsible.

ART. 55. The Chamber of Deputies and the federal Senate, as well as their committees, shall designate the day and hour to hear the Minister of State upon clarifications which he may wish to offer them or with respect to legislative action he may request.

SECTION II

Concerning the Chamber of Deputies

ART. 56. The Chamber of Deputies is composed of representatives of the people, elected, according to the system of proportional representation, by the States, by the federal district, and by the territories.

ART. 57. Each legislature shall last four years.

ART. 58. The number of Deputies shall be fixed by law, in a proportion

not to exceed one for each 150,000 inhabitants, up to twenty deputies, and, beyond this limit, one for each 150,000 inhabitants.

§1. Each territory shall have one Deputy, and seven Deputies shall be the minimum number for each State and for the federal district.

§2. The representation already fixed may not be reduced.

ART. 59. The Chamber of Deputies shall have exclusive power:

1st. To declare founded or unfounded, by vote of an absolute majority of its members, accusations against the President of the Republic under the terms of Article 88, and against the Ministers of State in crimes connected with those of the President of the Republic.

2nd. To take the initiative in demanding accounts from the President of the Republic, by means of the designation of a special committee, when they are presented to the national Congress within sixty days after the opening of the legislative session.

SECTION III

Concerning the Federal Senate

ART. 60. The federal Senate is composed of representatives of the States and of the federal district, elected according to the majority principle.

§1. Each State, and likewise the federal district, shall elect three Senators.

§2. The mandate of a Senator shall be eight years.

§3. The representation of each State and of the federal district shall be renewed every four years, alternately, one-third and two-thirds at a time.

§4. The alternate elected with a Senator shall replace or succeed him under the terms of Article 52.

ART. 61. The Vice-President of the Republic shall exercise the functions of president of the federal Senate, where he shall have only a deciding vote.

ART. 62. The federal Senate shall have exclusive power:

1st. To judge the President of the Republic in crimes for which he is responsible, and the Ministers of State, in crimes of the same nature connected with those of the President.

2nd. To prosecute and judge the Ministers of the federal Supreme Tribunal and the Attorney General of the Republic in crimes for which they are responsible.

§1. The president of the federal Supreme Tribunal shall function as president of the Senate in the cases [specified] in this article.

§2. The federal Senate shall pronounce condemnatory sentence only by the vote of two-thirds of its members.

§3. The federal Senate may not impose any penalties other than loss of office with disqualification, for five years, from the exercise of any other public function, without prejudice to the action of ordinary justice.

ART. 63. The federal Senate shall likewise have exclusive power:

1st. To approve, by means of a secret vote, the appointment of magistrates

in the cases established by this Constitution, of the Attorney General of the Republic, of the ministers of the tribunal of accounts, of the prefect of the federal district, of the members of the national council of economy, and of the chiefs of diplomatic mission of permanent character.

2nd. To authorize external loans by the States, the federal district, and the municipalities.

ART. 64. It shall be incumbent upon the federal Senate to suspend the execution, wholly or in part, of any law or decree declared unconstitutional by final decision of the federal Supreme Tribunal.

SECTION IV

Concerning the Attributes of the Legislative Power

ART. 65. The national Congress shall have power, with the approval of the President of the Republic:

1st. To vote the budget.

2nd. To vote the taxes belonging to the Union and to regulate the collection and distribution of its revenues.

3rd. To make provisions concerning the federal public debt and the means of its payment.

4th. To create and abolish public offices and to fix their remunerations always by special law.

5th. To vote the law to fix the armed forces in time of peace.

6th. To authorize the opening of credit operations and the emission of fiat money.

7th. To transfer temporarily the seat of the federal Government.

8th. To resolve questions concerning boundaries of the national territory.

9th. To legislate, except as provided in the following article, regarding property of the federal domain and regarding all matters within the competence of the Union.

ART. 66. The national Congress shall have exclusive power:

1st. To give final decision respecting treaties and conventions negotiated with foreign States by the President of the Republic.

2nd. To authorize the President of the Republic to declare war and make peace.

3rd. To authorize the President of the Republic to permit foreign forces to pass through national territory, or, by reason of war, to remain therein temporarily.

4th. To approve or suspend federal intervention, when decreed by the President of the Republic.

5th. To grant amnesty.

6th. To approve the decisions of state legislative assemblies regarding incorporation, subdivision, or partitioning of the States.

7th. To authorize the President and the Vice-President of the Republic to absent themselves from the country.

8th. To judge the accounts of the President of the Republic.

9th. To fix the defrayment of expenses and the subsidy of the members of the national Congress, as well as those of the President and the Vice-President of the Republic.

10th. To move its seat temporarily.

SECTION V

Concerning the Laws

ART. 67. The initiative of laws, excepting the cases of exclusive power, shall belong to the President of the Republic and to any member or committee of the Chamber of Deputies or of the federal Senate.

§1. The initiative of the law fixing the armed forces and of all laws regarding financial matters shall fall to the Chamber of Deputies and to the President of the Republic.

§2. Excepting the powers of the Chamber of Deputies, of the Senate, and of the federal tribunals, in matters concerning their respective administrative services, the President of the Republic shall have exclusive power of initiative of laws which create positions in existing services, increase salaries, or modify, in the course of each legislative session, the law fixing the armed forces.

§3. Discussion of bills initiated by the President of the Republic shall begin in the Chamber of Deputies.

ART. 68. A bill adopted in one of the Chambers shall be reviewed by the other, which, approving it, shall send it for sanction and promulgation.

Sole Paragraph. The revision shall be discussed and voted upon in a single session.

ART. 69. If a bill of one Chamber is amended in the other, it shall return to the first for decision regarding the modification, and approval or disapproval.

Sole Paragraph. The bill shall be sent for sanction in the form in which it was finally voted.

ART. 70. In the case of Article 65, the Chamber where the voting of a bill is concluded shall send it to the President of the Republic who, acquiescing, shall sanction it.

§1. If the President of the Republic shall judge the bill, in whole or in part, unconstitutional or contrary to the national interests, he shall veto it, wholly or in part, within ten working days, counted from that on which he shall receive it, and he shall communicate within this same period, to the president of the federal Senate, the reasons for the veto. If the approval should be denied

when the legislative session is ended, the President of the Republic shall publish the veto.

§2. The silence of the President of the Republic, after the lapse of ten days, shall imply sanction.

§3. When the veto is communicated to the president of the federal Senate, he shall convoke the two Chambers in order to inform them in joint session; a bill which shall obtain the vote of two-thirds of the representatives present shall be considered approved. In this case the bill shall be sent for promulgation to the President of the Republic.

§4. If the law should not be promulgated within forty-eight hours by the President of the Republic in the cases of Sections 2 and 3, the president of the Senate shall promulgate it; and, if he does not do this within an equal period, the vice-president of the Senate shall do it.

ART. 71. In the cases of Article 66, the elaboration of the law shall be considered closed with the final voting, and it shall be promulgated by the president of the Senate.

ART. 72. Bills which are rejected or not approved can be renewed only in the same legislative session, by means of a proposal by an absolute majority of the members of either of the Chambers.

SECTION VI

Concerning the Budget

ART. 73. The budget shall be one, and shall incorporate compulsorily all receipts of revenues and provisions of funds, and shall include in detail in the expenses the allotments necessary for the payment of all public services.

§1. The budget law shall not contain any provision foreign to the provision of the receipts and the fixing of the expenses for services previously created. This prohibition shall not include:

1st. Authorization for opening of supplementary credits and credit operations in anticipation of receipts.

2nd. Application of balances and manner of covering deficits.

§2. Budgeting of expenses shall be divided into two parts: one [of them] fixed, which may not be altered except by virtue of a previous law; the other variable, which shall be subject to strict specialization.

ART. 74. If the budget shall not have been sent for approval by November 30, the one which was in effect shall be extended for the following fiscal year.

ART. 75. The transfer of budget items, the granting of unlimited credits, and the opening of special credits without legislative authorization are prohibited.

Sole Paragraph. The opening of extraordinary credits shall be admitted

only for urgent or unforeseen necessity, in case of war, domestic commotion, or public calamity.

ART. 76. The tribunal of accounts shall have its seat in the capital of the Republic and jurisdiction in all of the national territory.

§1. The ministers of the tribunal of accounts shall be appointed by the President of the Republic, after approval of the selection by the federal Senate, and shall have the same rights, guarantees, prerogatives, and remuneration as the judges of the federal tribunal of appeals.

§2. The tribunal of accounts shall exercise the same attributes as the judicial tribunals set forth in Article 97, and shall likewise have its own staff as its personnel.

ART. 77. The tribunal of accounts shall have power:

1st. To follow and control directly, or through delegations created by law, the execution of the budget.

2nd. To judge the accounts of those responsible for funds and other public properties, and those of the administrators of autarchic entities.

3rd. To judge the legality of contracts and retirements, removals and pensions.

§1. Contracts which in any manner shall affect receipts or expenditures shall be considered perfect only after they have been registered by the tribunal of accounts. Refusal of registry shall suspend the execution of the contract until the national Congress shall issue pronouncement.

§2. Any act of public administration which may result in an obligation of payment by the national treasury or for its account, shall be subject to registry in the tribunals of accounts, either before or afterwards, as the law may determine.

§3. In any case, the refusal of registry for lack of credit balance or for charge to an improper credit, shall have prohibitive character. When the refusal shall have other basis, the expenditure may be effected after dispatch by the President of the Republic, registry with reservation by the tribunal of accounts, and appeal ex-officio to the national Congress.

§4. The tribunal of accounts shall give its prior opinion, within a period of sixty days, upon the accounts which the President of the Republic is to render annually to the national Congress. If these are not sent within the period of the law, it shall communicate the fact to the national Congress for the purposes of the law, presenting to it in either case a detailed report of the financial and fiscal year terminated.

CHAPTER III

Concerning the Executive Power

SECTION I

Concerning the President and the Vice-President of the Republic

ART. 78. The executive power is exercised by the President of the Republic.

ART. 79. The President shall be replaced, in case of impediment, and succeeded, in case of vacancy, by the Vice-President of the Republic.

§1. In case of impediment or vacancy [in office] of the President and of the Vice-President of the Republic, the president of the Chamber of Deputies, the vice-president of the federal Senate, and the president of the federal Supreme Tribunal shall be successively called to the exercise of the presidency.

§2. In case of vacancy in the offices of the President and Vice-President of the Republic, an election shall be held sixty days after the occurrence of the last vacancy. If the vacancies should occur in the second half of the presidential term, the election for both offices shall be held, thirty days after the last vacancy, by the national Congress in the form established by law. In either of the cases, those elected shall complete the term of their predecessors.

ART. 80. The conditions of eligibility for President and Vice-President of the Republic are:

1st. To be a Brazilian (Article 129, Numbers I and II [i.e., 1st and 2nd clauses]).

2nd. To be in the exercise of political rights.

3rd. To be more than thirty-five years of age.

ART. 81. The President and the Vice-President of the Republic shall be elected simultaneously, in all of the country, 120 days before the end of the presidential term.

ART. 82. The President and Vice-President of the Republic shall exercise the office for five years.

ART. 83. The President and the Vice-President of the Republic shall take office in a session of the national Congress or, if it should not be assembled, before the federal Supreme Tribunal.

Sole Paragraph. The President of the Republic, in the act of taking office, shall give this oath: "I promise to maintain, defend, and fulfill the Constitution of the Republic, observe its laws, promote the general welfare of Brazil, support the Union, its integrity, and its independence."

ART. 84. If, after the lapse of thirty days from the date fixed for taking possession of the office, the President or the Vice-President of the Republic shall not have assumed the office, except for reason of illness, the office shall be declared vacant by the superior electoral tribunal.

ART. 85. The President and the Vice-President of the Republic may not

absent themselves from the country, under penalty of loss of office, without the permission of the national Congress.

ART. 86. In the last year of the legislative term preceding the election for President and Vice-President of the Republic, their subsidies shall be fixed by the national Congress.

SECTION II

Concerning the Attributes of the President of the Republic

ART. 87. The President of the Republic shall have exclusive power:

1st. To approve, promulgate, and order publication of laws and to issue decrees and regulations for their faithful execution.

2nd. To veto bills, under the terms of Article 70, Section 1.

3rd. To appoint and dismiss Ministers of State.

4th. To appoint and dismiss the prefect of the federal district (Article 26, Sections 1 and 2) and the members of the national council of economy (Article 205, Section 1).

5th. To bestow federal public offices in the form of law and with the exceptions stated by the Constitution.

6th. To maintain relations with foreign States.

7th. To negotiate international treaties and conventions, subject to referendum of the national Congress.

8th. To declare war, after authorization by the national Congress, but without this authorization in the case of foreign aggression, when such occurs in the interval between legislative sessions.

9th. To make peace, with the authorization and subject to referendum of the national Congress.

10th. To permit, upon authorization by the national Congress, but without this authorization in the interval between legislative sessions, foreign forces to pass through the territory of the country or, by reason of war, to remain therein temporarily.

11th. To exercise supreme command of the armed forces, administering them through the medium of the competent organs.

12th. To decree total or partial mobilization of the armed forces.

13th. To decree a state of siege under the terms of this Constitution.

14th. To decree and execute federal intervention under the terms of Articles 7 to 14.

15th. To authorize Brazilians to accept pensions, employment, or commissions from foreign governments.

16th. To send to the Chamber of Deputies, within the first two months of the legislative session, the budget proposal.

17th. To render annually to the national Congress, within sixty days after the opening of the legislative session, the accounts relative to the preceding fiscal year.

18th. To send a message to the national Congress, upon the occasion of the opening of the legislative session, giving it an account of the state of the country and requesting of it the action which he may judge necessary.

19th. To grant pardons and commute sentences, with a hearing before the organs instituted by law.

SECTION III

Concerning the Responsibility of the President of the Republic

ART. 88. The President of the Republic shall be submitted to judgment, before the federal Supreme Tribunal for common crimes and before the federal Senate in crimes for which he is responsible, after the Chamber of Deputies shall declare the accusation founded by the vote of an absolute majority of its members.

Sole Paragraph. When the accusation has been declared founded, the President of the Republic shall be suspended from his functions.

ART. 89. Acts of the President of the Republic are crimes of his responsibility which make attempt against the federal Constitution and especially against:

- 1st. The existence of the Union:
- 2nd. The free exercise of the legislative power, of the judicial power, and of the constitutional powers of the States.
- 3rd. The exercise of individual, social, and political rights.
- 4th. The internal security of the country.
- 5th. Probity in the administration.
- 6th. The budget law.
- 7th. The safe keeping and legal employment of public funds.
- 8th. The fulfillment of judicial decisions.

Sole Paragraph. These crimes shall be defined in a special law, which shall establish the standards of the prosecution and judgment.

SECTION IV

Concerning the Ministers of State

ART. 90. The President of the Republic is assisted by the Ministers of State.

Sole Paragraph. Essential conditions for investiture in the office of Ministers of State are:

- 1st. To be a Brazilian (Article 129, Numbers I and II [i.e., 1st and 2nd clauses]).
- 2nd. To be in the exercise of political rights.
- 3rd. To be more than twenty-five years of age.

ART. 91. In addition to the attributions that the law may fix, the Ministers of State shall have power:

- 1st. To countersign the acts signed by the President of the Republic.

2nd. To issue instructions for the good execution of the laws, decrees, and regulations.

3rd. To present to the President of the Republic a report of the services carried out each year in the ministry.

4th. To appear in the Chamber of Deputies and in the federal Senate in the cases and for the purposes indicated in this Constitution.

ART. 92. The Ministers of State, in common crimes and those of their responsibility, shall be prosecuted and judged by the federal Supreme Tribunal, and in crimes connected with those of the President of the Republic, by the organs competent for the prosecution and judgment of the latter.

ART. 93. In addition to that provided in Article 54, Sole Paragraph, the acts defined in law (Article 89), when practiced or ordered by the Ministers of State, are crimes of their responsibility.

CHAPTER IV

Concerning the Judicial Power

SECTION I

Preliminary Provisions

ART. 94. The judicial power is exercised by the following organs:

1st. The federal Supreme Tribunal.

2nd. The federal tribunal of appeals.

3rd. Military judges and tribunals.

4th. Electoral judges and tribunals.

5th. Labor judges and tribunals.

ART. 95. Except for the restrictions expressed in this Constitution, judges shall enjoy the following guarantees:

1st. Life tenure, they being unable to lose office except by judicial sentence.

2nd. Irremovability, except when it shall occur by reason of public interest, recognized by the vote of two-thirds of the effective judges of the competent higher tribunal.

3rd. Irreducibility of remuneration, which, however, shall remain subject to general taxes.

§1. Retirement shall be compulsory at seventy years of age or for proved invalidity, and optional after thirty years of public service, counted in the form of law.

§2. Retirement, in any of these cases, shall be decreed with full remuneration.

§3. Life tenure shall not be obligatorily extended to those judges whose functions are limited to preparing cases and substituting for trial judges; it shall be assured them, however, after ten years of continuous exercise of the office.

Arr. 96. Judges are forbidden:

1st. To exercise, even though available, any other public function except the secondary and higher magistracy, and the functions provided for in this Constitution, under penalty of loss of judicial office.

2nd. To receive percentages, under any pretext, in the cases subject to their handling and judgment.

3rd. To exercise political party activity.

Arr. 97. The tribunals shall have power:

1st. To elect their presidents and other organs of administration.

2nd. To enact their by-laws and organize the auxiliary services, filling their offices in the form of law; and likewise to propose to the competent legislative branch the creation or suppression of offices and the fixing of the respective emolument.

3rd. To grant leaves and vacations, in the terms of the law, to their members and to the judges and deputies who may be immediately subordinate to them.

SECTION II

Concerning the Federal Supreme Tribunal

Arr. 98. The federal Supreme Tribunal, with its seat in the capital of the Republic and jurisdiction in all of the national territory, shall be composed of eleven Ministers. This number, upon the proposal of the Tribunal itself, may be increased by law.

Arr. 99. The Ministers of the federal Supreme Tribunal shall be appointed by the President of the Republic, after the selection has been approved by the federal Senate, from among Brazilians (Article 129, Numbers I and II [i.e., 1st and 2nd clauses]) of notable juridical knowledge and spotless reputation, more than thirty-five years of age.

Arr. 100. The Ministers of the federal Supreme Tribunal, in crimes of their responsibility, shall be prosecuted and judged by the federal Senate.

Arr. 101. The federal Supreme Tribunal shall have power:

1st. To prosecute and judge in first instance:

I. The President of the Republic in common crimes.

II. Its own Ministers and the Attorney General of the Republic in common crimes.

III. The Ministers of State, the judges of the federal superior tribunals, the chief judges of the tribunals of justice of the States, of the federal district, and of the territories, the ministers of the tribunal of accounts, and the chiefs of diplomatic mission in permanent character, in common crimes as well as in those of their responsibility, except, with respect to the Ministers of State, for what is provided in the latter part of Article 92.

IV. Litigation between foreign States and the Union, the States, the federal district, or the municipalities.

V. Cases and conflicts between the Union and the States or between the latter.

VI. Conflicts of jurisdiction between federal judges or tribunals, [conflicts] of various justices, between any federal judges or courts and those of the States, and between judges or courts of the different States, including those of the federal district and those of the territories.

VII. Extradition of criminals, requested by foreign States, and the confirmation of foreign sentences.

VIII. *Habeas corpus*, when the coactor or the party restrained should be a tribunal, an official, or authority the acts of which may be directly subject to the jurisdiction of the federal Supreme Tribunal; in matters of crime subject to this same jurisdiction in sole instance; when there may be peril of violence being committed before another judge or court can take cognizance of the request.

IX. Mandates of security against acts of the President of the Republic, of the administrative board of the Chamber or of the Senate and of the president of the federal Supreme Tribunal itself.

X. The execution of sentences, in cases of its original jurisdiction, it having the power to delegate the acts of prosecution to an inferior judge or to another tribunal.

XI. Cases of appeal from its decisions.

2nd. To judge on ordinary appeal:

I. Mandates of security and *habeas corpus* decided in final instance by local or federal tribunals when the decision is one of denial.

II. Cases decided by local judges, based on a treaty or contract of the Union with a foreign State, as well as those in which a foreign State and a person domiciled in the country may be parties.

III. Political crimes.

3rd. To judge on special appeal cases decided in sole or final instance by other tribunals or judges:

I. When the decision is contrary to a provision of this Constitution or the letter of a federal treaty or law.

II. When a question is raised as to the validity of the federal law against this Constitution, and the decision appealed denies application of the law contested.

III. When the validity of a law or act of a local government is contested against this Constitution or a federal law, and the decision appealed holds the law or act valid.

IV. When, in the decision appealed, the interpretation of the federal law invoked is different from that which has been given to it by any of the other tribunals or by the federal Supreme Tribunal itself.

4th. To review, in the interest of condemned persons, its criminal decisions in finished process.

ART. 102. With voluntary appeal to the federal Supreme Tribunal, its President shall have power to grant exequatur to letters rogatory from foreign tribunals.

SECTION III

Concerning the Federal Tribunal of Appeals

ART. 103. The federal tribunal of appeals, with its seat in the federal capital, shall be composed of nine judges, appointed by the President of the Republic, after their selection has been approved by the federal Senate, two-thirds among magistrates and one-third among lawyers and members of the Public Ministry, with the requirements of Article 99.

Sole Paragraph. The tribunal may be divided into chambers or terms.

ART. 104. The federal tribunal of appeals shall have power:

1st. To prosecute and judge in first instance:

I. Cases of appeal from its decisions.

II. Mandates of security, when the restraining authority is a Minister of State, the tribunal itself, or its president.

2nd. To judge on the level of appeal:

I. Cases decided in first instance, when the Union is involved as plaintiff or defendant, witness or opponent, except in matters of bankruptcy; and in matters of crimes committed against property, services, or interests of the Union, outside the jurisdiction of electoral justice and of military justice.

II. The decisions of local judges when denying *habeas corpus*, and those issued in mandates of security when the restraining authority indicated is federal.

3rd. To review, in the interest of condemned persons, its criminal decisions in finished process.

ART. 105. Upon prior proposal of the tribunal itself, approved by the federal Supreme Tribunal, other federal tribunals of appeals may be created by law in different regions of the country, with their seats and territorial jurisdiction being fixed with observance of the provisions of Article 103 and 104.

SECTION IV

Concerning Military Judges and Tribunals

ART. 106. The military superior tribunal and the inferior tribunals and judges that the law may establish are organs of military justice.

Sole Paragraph. The law shall make provision respecting the number and the manner of selection of the military judges and magistrates of the military superior tribunal, who shall receive remuneration equal to that of the judges of the federal tribunal of appeals, and the law shall determine the conditions of access to its auditors.

ART. 107. The irremovability assured to members of the military judiciary

does not exempt them from the obligation to accompany the forces with which they are to serve.

ART. 108. The military judiciary shall have power to prosecute and judge military and similar persons for military crimes defined in the law.

§1. This special court may be extended to civilians, in cases provided in the law, for the repression of crimes against the external security of the country or against its military institutions.

§2. The law shall regulate the application of the penalties of military legislation in time of war.

SECTION V

Concerning Electoral Judges and Tribunals

ART. 109. The organs of electoral justice are the following:

- 1st. The superior electoral tribunal.
- 2nd. Regional electoral tribunals.
- 3rd. Electoral boards.
- 4th. Electoral judges.

ART. 110. The superior electoral tribunal, with its seat in the capital of the republic, shall be composed:

1st. By election in secret ballot:

I. Of two judges selected by the federal Supreme Tribunal, from among its Ministers.

II. Of two judges selected by the federal tribunal of appeals, from among its judges.

III. Of one judge selected by the tribunal of justice of the federal district, from among its chief judges.

2nd. By appointment by the President of the Republic of two from among six citizens of notable juridical knowledge and spotless reputation, who may not be incompatible by law, indicated by the federal Supreme Tribunal.

Sole Paragraph. The superior electoral tribunal shall elect as its president one of the two Ministers of the federal Supreme Tribunal, and its vice-presidency shall fall to the other.

ART. 111. There shall be a regional electoral tribunal in the capital of each State and in the federal district.

Sole Paragraph. Upon proposal of the superior electoral Tribunal, a regional electoral tribunal may be created by law in the capital of any territory.

ART. 112. The regional electoral tribunals shall be composed:

1st. By election in secret ballot:

I. Of three judges selected by the tribunal of justice, from among its members.

II. Of two judges selected by the tribunal of justice, from among the judges of law.

2nd. By appointment by the President of the Republic of two from

among six citizens of notable juridical knowledge and spotless reputation, who may not be incompatible by law, indicated by the tribunal of justice.

Sole Paragraph. The president and the vice-president of the regional electoral tribunal shall be selected from among the three chief judges of the tribunal of justice.

ART. 113. The number of judges of the electoral courts shall not be reduced, but it may be increased, up to nine, upon proposal of the superior electoral tribunal and in the form suggested by it.

ART. 114. The judges of the electoral tribunals, unless there should be a justified reason, shall serve obligatorily for two years and never for more than two consecutive bienniums.

ART. 115. The substitutes for the effective members of the electoral tribunals shall be selected, on the same occasion and by the same process, in equal number for each category.

ART. 116. The organization of the electoral boards shall be regulated by law and they shall be presided over by a judge of law, and their members shall be appointed, after approval of the regional electoral tribunal, by the president of the latter.

ART. 117. The judges of law shall have power to exercise, with full jurisdiction and in the form of the law, the functions of electoral judges.

Sole Paragraph. The law may grant to other judges power for functions other than those of decision.

ART. 118. For as long as they shall serve, the electoral magistrates shall enjoy, in so far as may be applicable to them, the guarantees established in Article 95, Numbers I and II [i.e., 1st and 2nd clauses], and, as such, shall not have other incompatibilities except those declared by law.

ART. 119. The law shall regulate the competence of the electoral judges and courts. Among the powers of the electoral judiciary shall be included:

1st. The registry and cancellation of registry of political parties.

2nd. Electoral divisions in the country.

3rd. Electoral registration.

4th. The fixing of the date of elections, when not determined by constitutional or legal provision.

5th. The electoral process, the tallying of elections and the issuance of certificates to those elected.

6th. Cognizance and decision of allegations of ineligibility.

7th. The prosecution and judgment of electoral crimes and common crimes which may be connected therewith, and likewise those of *habeas corpus* and mandate of security in electoral matters.

8th. Cognizance of complaints relative to obligations imposed by law upon political parties, with respect to their accounting and to the ascertainment of the origin of their funds.

ART. 120. Decisions of the superior electoral tribunal may not be appealed,

except those which may declare the invalidity of a law or act contrary to this Constitution, and those denying *habeas corpus* or mandate of security, in which latter cases appeal may be made to the federal Supreme Tribunal.

ART. 121. The decisions of the regional electoral tribunals may be appealed to the superior electoral tribunal when:

- 1st. They are made contrary to express provision of the law.
- 2nd. There occur differences in interpretation of the law between two or more electoral tribunals.
- 3rd. They bear upon the issuance of a certificate in federal and state elections.
- 4th. They deny *habeas corpus* or a mandate of security.

SECTION VI

Concerning Labor Judges and Tribunals

ART. 122. The organs of labor justice are the following:

1st. The superior labor tribunal.

2nd. Regional labor tribunals.

3rd. Boards or judges of conciliation and judgment.

§1. The superior labor tribunal has its seat in the federal capital.

§2. The law shall fix the number of the regional labor tribunals and their respective seats.

§3. The law shall establish the boards of conciliation and judgment and may attribute their functions to the judges of law in districts where they [the boards] are not established.

§4. Other organs of labor justice may be created by law.

§5. The constitution, investiture, jurisdiction, competence, guarantees, and conditions of the exercise of organs of labor justice shall be regulated by law, preserving the equality of representation of employees and employers.

ART. 123. The labor judiciary shall have power to conciliate and judge individual and collective disputes between employees and employers, and other controversies arising out of labor relations ruled by special legislation.

§1. Disputes relative to labor accidents are within the jurisdiction of ordinary justice.

§2. The law shall determine cases in which decisions in collective disputes might establish standards and conditions of work.

TITLE II

Concerning Justice in the States

ART. 124. The States shall organize their justice with observance of Articles 95 to 97 and also the following principles:

- 1st. The judicial division and organization shall be inalterable during five

years from the date of the law establishing them, except for proposals put forward by the tribunal of justice.

2nd. Tribunals of jurisdiction inferior to the tribunals of justice may be created.

3rd. Entry into life-tenure magistracy shall be dependent upon competitive examinations, organized by the tribunal of justice with collaboration of the sectional council of the order of attorneys of Brazil and indication of the candidates shall be made, whenever possible, in a triplicate list.

4th. Promotion of judges shall be made from one classification to another by length of service and by merit, alternately, and, in the second case, shall be dependent upon a triplicate list organized by the tribunal of justice. An equal proportion shall be observed in accession to this tribunal, except as provided in Number V [i.e., 5th clause] of this article. For this purpose, in cases of merit, the triplicate list shall be composed of names selected from among judges of any classification. In cases of length of service, which shall be ascertained in the last classification, the tribunal shall decide first whether the judge with longest service is to be indicated; and if this one is refused by three-fourths of the chief judges, the voting shall be repeated with respect to the next in line, and so on successively, until the selection is fixed. A judge may be promoted only after two years of effective service in the respective classification.

5th. A fifth of the places in the composition of any court, shall be reserved to be filled by attorneys and members of the Public Ministry, of renowned merit and spotless reputation, with at least ten years of legal practice. For each vacancy, the tribunal shall vote upon a triplicate list, in secret session and by secret ballot. If a member of the Public Ministry is selected, the resulting vacancy shall be filled by an attorney.

6th. The remuneration of the chief judges shall be fixed at an amount not inferior to that received, in any form, by the Secretaries of State; and that of the other life-tenure judges, with a difference not to exceed thirty per cent between one classification and another, and attributing to those of highest classification not less than two-thirds of the remuneration of the chief judges.

7th. In case of transfer of the seat of the judge, the judge is authorized to move to the new seat or to a district of equal classification or to request placement on an available list with full remuneration.

8th. The number of its members or of the members of any other tribunal may be altered only by proposal of the tribunal of justice.

9th. The tribunal of justice shall have exclusive power to prosecute and judge inferior judges in ordinary crimes and in those of their responsibility.

10th. A temporary justice of the peace may be instituted, with the judicial attributes of substitution, except for judgment of final, or appellate cases, and with competence for the performance and celebration of marriages and other acts which the law may determine.

11th. The offices of magistrates may be created, with investiture in office limited to a certain time, and competence to judge cases of small value. These judges may substitute for life-tenure judges.

12th. The state military judiciary, organized with observance of the general precepts of federal law (Article 5, Number XV, Letter f [i.e., 15th clause, Paragraph VI]), shall have as organs of first instance the councils of justice and as an organ of second instance a special court or the tribunal of justice.

TITLE III

Concerning the Public Ministry

ART. 125. The law shall organize the Public Ministry of the Union before the ordinary, military, electoral, and labor judiciaries.

ART. 126. The federal Public Ministry has as its head the Attorney General of the Republic. The Attorney General, appointed by the President of the Republic, after approval of the selection by the federal Senate, from among citizens with the requisites indicated in Article 99, shall be dismissible at will.

Sole Paragraph. The Union shall be represented in court by the attorneys of the Republic, but the law may entrust this representation, in the districts of the interior, to the local public ministry.

ART. 127. The members of the Public Ministry of the Union, of the federal district, and of the territories, shall enter into the initial positions of the career by means of competition. After two years of service, they may not be dismissed except by judicial sentence or by means of administrative process allowing them ample defense; nor shall they be removed, except upon representation put forward by the head of the Public Ministry, based upon the convenience of the service.

ART. 128. The Public Ministry shall be organized in the States by local laws, with observance of the precepts of the preceding article, as well as that of promotion from one classification to another, so that the career may be assured.

TITLE IV

Declaration of Rights

CHAPTER I

Concerning Nationality and Citizenship

ART. 129. The following are Brazilians:

1st. Persons born in Brazil, even though of foreign parents, if not resident in the service [of the government] of their country.

2nd. The children of a Brazilian father or mother, born abroad, if the parents are in the service of Brazil, and, outside of this case, if they come to

reside in the country, after which they must, in order to preserve Brazilian nationality, choose one of the two nationalities within four years after attaining their majority.

3rd. Those who acquired Brazilian nationality under the terms of Article 69, Numbers IV and V, of the Constitution of February 24th, 1891.

4th. *Aliens naturalized in the form that the law may establish*, it being required of the Portuguese merely that they reside in the country one uninterrupted year, and be of good moral standing and physical health.

ART. 130. A Brazilian shall lose his nationality:

1st. Who, by voluntary naturalization, shall acquire another nationality.

2nd. Who, without the permission of the President of the Republic, shall accept a commission, employment, or pension from a foreign government.

3rd. Who, by judicial sentence, in a process established by law, shall have his naturalization cancelled because of exercising activity injurious to the national interest.

ART. 131. Electors shall be Brazilians more than eighteen years of age who register in the form of the law.

ART. 132. The following may not register as electors:

1st. The illiterate.

2nd. Those who do not know how to express themselves in the national tongue.

3rd. Those who are deprived temporarily or permanently of political rights.

Sole Paragraph. Enlisted soldiers also may not register as electors, except officer candidates, sub-officers, sub-lieutenants, sergeants, and students of *military schools of higher instruction*.

ART. 133. Registration and voting are obligatory for Brazilians of both sexes, save the exceptions established by law.

ART. 134. Suffrage is universal and direct; the vote is secret; and proportional representation of the national political parties is assured in the form that the law shall establish.

ART. 135. Political rights shall be suspended or lost only in the cases of this article.

§1. They shall be suspended:

1st. For absolute civil incapacity.

2nd. For criminal conviction, for as long as its effects shall last.

§2. They shall be lost:

1st. In the cases established in Article 130.

2nd. For the refusal provided in Article 141, Section 8.

3rd. For the acceptance of foreign titles of nobility or decorations which may imply restriction of rights or duties before the State.

ART. 136. The loss of political rights carries with it, simultaneously, the loss of public office or function.

ART. 137. The law shall establish the conditions of reacquisition of political rights and of nationality.

ART. 138. Those who may not be registered and those mentioned in the Sole Paragraph of Article 132 are ineligible [for election].

ART. 139. The following also are ineligible [for election]:

1st. As President and Vice-President of the Republic:

I. A President who may have exercised the office for any time in the term immediately preceding, and likewise the Vice-President who may have succeeded him or who, during the six months preceding the election, may have substituted for him.

II. The governors, the federal interventors appointed in accordance with Article 12, the Ministers of State, and the prefect of the federal district, until six months after definitive separation from their functions.

III. The Ministers of the federal Supreme Tribunal and the Attorney General of the Republic, the chiefs of the general staff, the judges, the attorney general, and the regional attorneys of the electoral judiciary, the Secretaries of State, and the chiefs of police, until three months after definitive cessation of their functions.

2nd. As governor:

I. In each State, a governor who may have exercised the office for any time in the term immediately preceding, or a person who may have succeeded him, or who may have substituted for him within the six months preceding the election; and a federal interventor, appointed in the form of Article 12, who may have exercised the functions for any time in the governmental term immediately preceding.

II. The President, the Vice-President of the Republic, and the substitutes who may have assumed the presidency, until one year after definitive separation from their functions.

III. In each State, the secretaries of state, the commandants of the military regions, the chiefs and commandants of police, the federal and state magistrates, and the chief of the public ministry, until three months after definitive cessation of their functions.

IV. Those who may be ineligible for President of the Republic, except those mentioned in Letters a and b of this number [i.e., Paragraphs I and II, above], until three months after definitive cessation of their functions.

3rd. As prefect, anyone who may have exercised the office for any time in the term immediately preceding, as well as anyone who may have succeeded him, or who, within the six months preceding the election, may have substituted for him; and, likewise, for the same period, police authorities with jurisdiction in the municipality.

4th. For the Chamber of Deputies and the federal Senate, the authorities mentioned in Numbers I and II [i.e., 1st and 2nd clauses], under the same

conditions established in both, if in exercise of the office during the three months preceding the election.

5th. For the legislative assemblies, the governors, secretaries of state, and the chiefs of police, until two months after definitive cessation of their functions.

Sole Paragraph. The precepts of this article apply to the office-holders, both regular and provisional, in the offices mentioned.

ART. 140. Likewise ineligible, under the same conditions set forth in the preceding article, are the spouse and relatives, by consanguinity or affinity, to the second degree:

1st. Of the President and the Vice-President of the Republic or of the substitute who may assume the presidency:

I. For President and Vice-President.

II. For governor.

III. For Deputy or Senator, except in case of having already exercised the mandate or of having been elected simultaneously with the President and Vice-President of the Republic.

2nd. Of the governor or federal interventor, appointed in accordance with Article 12, in each State:

I. For governor.

II. For Deputy or Senator, except in case of having already exercised the mandate or of having been elected simultaneously with the governor.

3rd. Of the prefect, for the same office.

CHAPTER II

Concerning Individual Rights and Guarantees

ART. 141. The Constitution assures Brazilians and aliens resident in the country the inviolability of the rights respecting life, liberty, individual security, and property, in the following terms:

§1. All are equal before the law.

§2. No one may be obliged to do or refrain from doing anything except by virtue of the law.

§3. The law shall not prejudice any right acquired, any juridical act accomplished, or any thing judged.

§4. The law shall not exclude any injury to individual rights from consideration by the Judiciary.

§5. The manifestation of thought is free, and shall not be dependent upon censorship, except as regards public spectacles and amusements, and each of these shall be responsible, in the cases and in the form which the law may establish, for any abuses they may commit. Anonymity is not permitted. The right of reply is assured. The publication of books and periodicals shall not be dependent upon license from the public power. However, propaganda

for war, or violent processes to subvert the political and social order, or prejudices of race or of class shall not be tolerated.

§6. The secrecy of correspondence is inviolable.

§7. The liberty of conscience and creed is inviolable, and the free exercise of religious sects is assured, except that they shall not be contrary to public order or good morals. Religious associations shall acquire juridical personality in the form of the civil law.

§8. No one shall be deprived of any of his rights by reason of religious, philosophic, or political conviction, unless he shall invoke it in order to exempt himself from any obligation, duty, or service required by the law of Brazilians in general, or shall refuse those which the same law may establish as substitutes for those duties in order to meet an excuse of conscience.

§9. Religious ministration shall be rendered by a Brazilian (Article 129, Numbers I and II [i.e., 1st and 2nd clauses]) to the armed forces, and likewise whenever solicited by interested parties or their legal representatives, in establishments of collective internment, so long as in neither case there be constraint of the ones favored.

§10. Cemeteries shall have a secular character and shall be administered by the municipal authorities. All religious confessions shall be permitted to practice their rites therein. Religious associations may maintain private cemeteries, in the form of the law.

§11. All may assemble, without arms, and the police shall not intervene except to assure public order. With this object in view, the police may designate the place of the assembly, provided that by thus proceeding, they do not frustrate the assembly or render it impossible.

§12. Freedom of association for legitimate purposes is guaranteed. No association may be compulsorily dissolved except by virtue of judicial sentence.

§13. The organization, registration, or functioning of any political party or association, the program or action of which may be contrary to the democratic regime, based upon plurality of parties and guarantee of the fundamental rights of men, is prohibited.

§14. The practice of any profession shall be free, observing the conditions of capacity that the law may establish.

§15. The home is the inviolable asylum of the individual. No one may enter therein at night, without the consent of the dweller, unless it be to succor the victims of crime or disaster, or by day, except in the cases and in the manner established by law.

§16. The right of property is guaranteed, except for the case of expropriation for public necessity or utility, or for social interest, with prior and just indemnification in money. The competent authorities may use private property, in case of imminent peril, such as war or domestic commotion, if the

public good so requires, with the right to later indemnification being, nevertheless, assured.

§17. Industrial inventions belong to their authors, to whom the law shall guarantee temporary privilege, or, if divulging of the invention should be in the collective interest, it shall grant a just reward.

§18. Ownership of industrial and commercial trademarks is assured, as well as monopoly in the use of a commercial name.

§19. The exclusive right of reproduction shall belong to the authors of literary, artistic, or scientific works. The heirs of authors shall enjoy this right for such time as the law may determine.

§20. No one shall be imprisoned except *in flagrante delicto* or, by written order of a competent authority, in the cases expressed in the law.

§21. No one shall be taken to prison or detained therein if, when the law permits, he offers bond.

§22. The imprisonment or detention of any person shall be immediately communicated to a competent judge, who, if it should not be legal, shall give release, and, in the cases provided for by law, shall hold the restraining authority responsible.

§23. *Habeas corpus* shall be given whenever anyone shall suffer or be threatened with suffering violence or restraint in his freedom of movement, by illegality or abuse of power. *Habeas corpus* shall not apply in disciplinary transgressions.

§24. Mandate of security shall be granted to protect clear and certain rights not covered by *habeas corpus*, whatever may be the authority responsible for the illegality or abuse of power.

§25. Accused persons are assured of full defense, with all the means and resources essential to it, from [the time of] the charge of guilt, which, signed by a competent authority, with the names of the accuser and of the witnesses, shall be delivered to the prisoner within twenty-four hours. The criminal proceedings will contain complaint and defense.

§26. There shall be no privileged court nor exceptional judges and tribunals.

§27. No one shall be prosecuted or sentenced except by a competent authority and in the form of a previous law.

§28. The institution of the jury is maintained, with the organization that the law may give to it, provided that the number of its members shall be always odd and the secrecy of its voting shall be guaranteed, as shall be the fullness of the defense of the accused and the sovereignty of the verdicts. The judgment of intentional crimes against life shall, obligatorily be within its competence.

§29. Penal law shall be retroactive only when it shall so benefit the accused.

§30. No penalty shall pass from the person of the delinquent.

§31. There shall be no penalty of death, of banishment, of confiscation, or

of perpetual character. Exception is made, with respect to the death penalty, of the provisions of military law in time of war with a foreign country. The law shall provide for the sequestration and loss of property, in the case of illicit enrichment, through influence or through abuse of public office or function, or of employment in an autarchic entity.

§32. There shall be no civil imprisonment for debt, fines, or costs, except in case of failure to fulfill one's obligation to feed [his dependents] or of unfaithful bondsman, provided for by law.

§33. Extradition of an alien shall not be granted for political crimes or crimes of opinion, nor [extradition] of a Brazilian, in any case.

§34. No tax shall be demanded or increased except as the law shall establish; and none shall be collected without previous budgetary authorization in each fiscal year, excepting, however, the customs tariff and taxes levied by reason of war.

§35. Public authorities shall grant judicial assistance to the needy in the manner that the law may establish.

§36. The law shall assure:

1st. The rapid prosecution of cases in public departments.

2nd. Advice to persons affected by orders and by the information referred to in them.

3rd. The issuance of certificates required for the defense of rights.

4th. The issuance of certificates required for the clarification of administrative affairs, except when the public interest shall demand secrecy.

§37. The right is assured to any person whomsoever to make representation against abuses by authorities and hold them responsible, by petition addressed to the public powers.

§38. Any citizen shall be a legitimate party to plead the annulment or declaration of nullity of acts injurious to the patrimony of the Union, of the States, of the municipalities, of autarchic entities, and of corporations of mixed economy.

ART. 142. Any person may, in time of peace, enter the national territory with his goods and remain therein or depart therefrom, respecting the precepts of the law.

ART. 143. The federal Government may expel from the national territory an alien injurious to the public order, unless he has married a Brazilian and has a Brazilian child (Article 129, Numbers I and II [i.e., 1st and 2nd clauses]) dependent upon paternal support.

ART. 144. The specification of the rights and guarantees expressed in this Constitution does not exclude other rights and guarantees flowing from the regime and from the principles which it adopts.

TITLE V

Concerning the Economic and Social Order

ART. 145. The economic order shall be organized in conformity with principles of social justice, conciliating the liberty of initiative with the value of human labor.

Sole Paragraph. Everyone is assured work that enables a dignified existence. Work is a social obligation.

ART. 146. The Union may, by means of a special law, intervene in the economic sphere or monopolize specified industries or activities. The intervention shall be based upon the public interest, and shall be limited by the fundamental rights assured by this Constitution.

ART. 147. The use of property shall be conditioned upon social welfare. The law may, with observance of the provisions of Article 141, Section 16, promote the just distribution of property, with equal opportunities for everyone.

ART. 148. The law shall restrain all forms of abuse of economic power, including unions or groups of concerns, either individual or social, regardless of their nature, which have as a purpose the domination of national markets, elimination of competition, and arbitrary increase of profits.

ART. 149. The law shall regulate the system of banks of deposit, insurance companies, capitalization companies, and the like.

ART. 150. The law shall create specialized credit establishments for the aid of agriculture and cattle raising.

ART. 151. The law shall make provisions respecting the regime of concerns holding concessions for federal, state, or municipal public services.

Sole Paragraph. The supervision of tariffs of the services carried on under concession shall be determined, so that the profits of the concessionaries, not to exceed a just remuneration of their capital, may permit them to meet the need for improvement and expansion of these services. The law shall apply to the concessions granted in the previous regime, of tariffs stipulated for the entire duration of the contract.

ART. 152. Mines and other subsoil wealth, as well as waterfalls, constitute property distinct from that of the soil for the purpose of industrial development or use.

ART. 153. The employment of mineral resources, and those of hydraulic energy depend upon federal authorization or concession, as provided by law.

§1. Authorizations or concessions shall be granted exclusively to Brazilians or to corporations organized in the country, the land owner being assured preference for the development. The preferential rights of the landowner shall be regulated in accordance with the nature of the mines or deposits.

§2. The use of hydraulic power of reduced capacity shall not depend upon authorization or concession.

§3. Once the conditions required by law are satisfied, among these being the possession of the required technical and administrative services, the States shall exercise in their territories the powers contained in this article.

§4. The Union, in the cases of general interest indicated by law, shall assist the States in studies pertaining to thermo-mineral waters of medicinal application, and in the equipment of resorts intended for their use.

ART. 154. Usury, in all forms, shall be punished by law.

ART. 155. Coastwise navigation for the transport of goods is the exclusive prerogative of national ships, except in case of public necessity.

Sole Paragraph. The owners, charterers, and commanders of national ships, as well as at least two-thirds of the members of their crews, shall be native Brazilians (Article 129, Numbers I and II [i.e., 1st and 2nd clauses]).

ART. 156. The law shall facilitate the settlement of men in the fields, establishing plans for the colonization and use of public lands. For this purpose, nationals, and among them, those living in poor zones and the unemployed, shall have preference.

§1. The States shall, in the concession of ceded lands, assure to squatters [*posseiros*] who habitually dwell thereon, the preference for the purchase of the land, up to twenty-five hectares.

§2. No sale or concession of public lands exceeding an area of 10,000 hectares may be effected without the previous authorization of the federal Senate.

- §3. Anyone who, not being either a rural or an urban landowner, occupies for ten uninterrupted years, without opposition or recognition of other ownership, a piece of land not exceeding the area of twenty-five hectares, and makes it productive by his work, and dwells thereon, shall acquire ownership of the land, by means of a declaratory sentence duly transcribed.

ART. 157. Labor legislation and that of social welfare shall obey the following precepts, in addition to others aiming to improve the conditions of workers:

1st. A minimum wage capable of satisfying, in conformity with the conditions of each region, the normal needs of the worker and his family.

2nd. Prohibition of salary differences for the same work by reason of age, sex, nationality, or civil status.

3rd. A wage for night work higher than that for day work.

4th. Obligatory and direct participation of the worker in the profits of concerns, under the terms and in the form determined by law.

5th. Daily work not exceeding eight hours, except in the cases and conditions provided by law.

6th. Weekly rest with pay, preferably on Sundays, and within the limits of the technical requirements of the concerns, on the civil and religious holidays, in accordance with the local tradition.

7th. Annual leave, with pay.

8th. Sanitation and safety of labor.

9th. Prohibition of work for minors under fourteen years of age; of work in unhealthful industries, for women and for minors under eighteen years of age; and of night work, for minors under eighteen years of age; respecting, in every case, the conditions established by law and the exceptions granted by a competent judge.

10th. The right of an expectant mother to rest before and after childbirth, with no prejudice to her job or wage.

11th. Fixation of the percentages of Brazilian employees in the public services granted under concession, and in establishments in specified branches of commerce and industry.

12th. Security of employment, in concerns or in rural developments, and indemnification of the dismissed worker, in the cases and under the conditions that the law may establish.

13th. Recognition of collective labor agreements.

14th. Sanitation assistance, including hospitalization and preventive medicine, to the worker and to the expectant mother.

15th. Assistance to the unemployed.

16th. Social security, by means of contribution from the Union, from the employer, and from the employee, for the benefit of motherhood, and against the consequences of old age, invalidity, illness, and death.

17th. Obligation of the employer to establish insurance against labor accidents.

Sole Paragraph. Labor legislation shall not admit any distinction between manual or technical and intellectual work, nor among the respective professionals, with respect to rights, guarantees, and benefits.

ART. 158. The right to strike is recognized, the exercise of which the law shall regulate.

ART. 159. Professional or trade union association is free, the form of organization, the legal representation in the collective labor contracts, and the exercise of functions delegated by the public power, being regulated by law.

ART. 160. The ownership of journalistic concerns, either political or simply for news, as well as radio broadcasting, is forbidden to corporations having bearer shares, and to aliens. Neither the latter, nor juridical persons, except the national political parties, may be shareholders of the corporations owning such concerns. The principal responsibility of them, as well as their intellectual and administrative orientation, shall be the exclusive prerogative of Brazilians (Article 129, Numbers I and II [i.e., 1st and 2nd clauses]).

ART. 161. The law shall regulate the exercise of the liberal professions, and the revalidation of diplomas issued by foreign educational institutions.

ART. 162. The selection, entry, distribution, and settlement of immigrants shall be subject, in the form of the law, to the requirements of the national interest.

Sole Paragraph. A single organ of federal administration shall orient those

services, and co-ordinate them with those of naturalization and colonization, making use of the nationals.

TITLE VI

Concerning the Family, Education, and Culture

CHAPTER I

Concerning the Family

ART. 163. The family is constituted by marriage that cannot be dissolved, and shall have right to the special protection of the State.

§1. Marriage shall be civil, and its performance gratuitous. Religious marriage shall be equivalent to civil [marriage], if performed with observance of the impediments prescribed by law, and request to this effect be made by the celebrant or any party at interest, provided that the act is inscribed in the public registry.

§2. Religious marriage performed without the formalities of this article shall have civil effects if, at the request of the betrothed, it is inscribed in the public registry after rehabilitation before a competent authority.

ART. 164. Assistance to motherhood, to infancy, and to adolescence is obligatory in all of the national territory. The law shall provide assistance to families with numerous offspring.

ART. 165. The right to inherit the property of an alien located [i.e., the property] in Brazil, shall be regulated by Brazilian law and in the benefit of the spouse or of the Brazilian children, provided that the national law of the decedent is not the more favorable.

CHAPTER II

Concerning Education and Culture

ART. 166. Education is the right of everyone, and shall be administered at home and in the school. It shall be inspired by the principles of liberty, and the ideals of human solidarity.

ART. 167. Teaching in the different branches shall be administered by the public authorities, and private initiative is free, provided the laws that regulate teaching are respected.

ART. 168. Teaching legislation shall adopt the following principles:

1st. Primary schooling is obligatory and may be given only in the national language.

2nd. Primary schooling is official and gratuitous for everyone; the official schooling subsequent to the primary shall be free for whomever proves lack or insufficiency of means.

3rd. Industrial, commercial and agricultural establishments, in which more

than 100 persons work, are obligated to maintain gratuitous primary teaching for their employees and the children of the latter.

4th. Industrial and commercial concerns are obligated to administer, in co-operation, teaching to minor workers, in such form as the law may establish, respecting the rights of the teachers.

5th. Religious instruction shall be a part of the teaching schedule of official schools, and shall be administered in accordance with the religious confession of the pupil, manifested by him, if he is capable, or by his legal representative or person responsible for him.

6th. A competition based on degrees and examinations shall be demanded for the filling of teaching positions, in official secondary schools or in the free or official high schools. Professors admitted by competition of degrees and examinations shall be assured tenure for life.

7th. Liberty of teaching posts is guaranteed.

ART. 169. The Union shall apply annually, not less than ten per cent, and the States, the federal district, and the municipalities not less than twenty per cent, of their revenues derived from taxes, to the maintenance and development of teaching.

ART. 170. The Union shall organize the federal teaching system, and that of the territories.

Sole Paragraph. The federal teaching system has a supplementary character, extending throughout the country within the strict limits of the local deficiency.

ART. 171. Each State and the federal district shall organize its own teaching system.

Sole Paragraph. The Union shall co-operate, by means of pecuniary aid, for the development of these systems, which, with respect to primary teaching, shall be provided from the respective national fund.

ART. 172. Each teaching system shall obligatorily have services of educational assistance to assure conditions of scholastic efficiency to the pupils needing it.

ART. 173. The sciences, letters, and arts are free.

ART. 174. Support of culture is a duty of the State.

Sole Paragraph. The law shall promote the creation of research institutes, particularly in connection with establishments of higher education.

ART. 175. The works, monuments, and documents of historical and artistic value, as well as the natural monuments, landscapes, and places endowed with peculiar beauty, are under the protection of the public authorities.

TITLE VII

Concerning the Armed Forces

ART. 176. The armed forces, constituted essentially by the army, the navy, and air force, are permanent national institutions, organized on a basis of hierarchy and discipline, under the supreme authority of the President of the Republic, and within the limits of the law.

ART. 177. The armed forces are intended to defend the Fatherland and to guarantee the constitutional powers and law and order.

ART. 178. The political direction of war, and the selection of the commanders-in-chief of the forces in operation shall be incumbent on the President of the Republic.

ART. 179. The problems relative to the defense of the country shall be studied by the council of national security and by special organs of the armed forces, charged with preparing them for mobilization and military operations.

§1. The council of national security shall be directed by the President of the Republic, and shall be participated in by such Ministers of State and chiefs of staff as the law may determine, with the character of effective members. In cases of impediment, the President of the Republic shall nominate a substitute.

§2. The law shall regulate the organization, competence, and functioning of the council of national security.

ART. 180. The following shall not be permitted in the zones indispensable to the defense of the country, without the previous consent of the council of national security:

1st. Any action relating to the concession of lands, the opening of highways, or the installation of transmitting outfits.

2nd. Construction of bridges and international roads.

3rd. Establishment or development of any industries affecting the security of the country.

§1. The law shall specify the zones indispensable to the national defense, shall regulate their utilization and shall take steps to assure that Brazilian capital and workers shall predominate in the industries situated in them.

§2. The authorizations referred to in Numbers I, II, and III [i.e., 1st, 2nd, and 3rd clauses, above], may, at any time, be modified or cancelled by the council of national security.

ART. 181. All Brazilians are obligated for military service or other duties necessary to the defense of the Fatherland, under the terms and penalties of the law.

§1. Women are exempted from military service, but are subject to such duties as the law may establish.

§2. The military obligation of clergymen shall be fulfilled in the service of the armed forces or by spiritual assistance to them.

§3. No Brazilian may hold public office or occupy a position in autarchic institutions, corporations of mixed economy, or concerns holding concession for public services, after attaining the initial age fixed by law for rendering military service without producing proof of enlistment, being in the reserve, or enjoying exemption.

§4. To favor the fulfillment of military obligations, schools of military training and private groups for military training are permitted.

ART. 182. Commissions, with the advantages, insignia, and prerogatives therein inherent, are fully guaranteed not only to active officers and those of the reserve, but also to the retired officers.

§1. Military titles, posts and uniforms can be worn only by the active, the reserve, or the retired soldier.

§2. An officer of the armed forces shall lose his post and commission only by condemnatory sentence, pronounced by a judge, whose penalty restrictive of individual liberty exceeds two years; or, in the cases provided by law, if he is declared unworthy or incompatible with the rank of officer, in conformity with the decision of a military tribunal of permanent character in time of peace, or of a special tribunal in time of war, whether external or civil.

§3. The soldier who, being on active duty, shall accept a permanent public position outside his career, shall be transferred to the reserve with the rights and duties defined by law.

§4. The soldier who, being on active duty, shall accept a temporary public position, elective or not, shall be associated with the respective list [of officers] and shall have his time of service counted only for promotion by seniority, transference to the reserves, or retirement. After eight years of removal, continuous or not, he shall be transferred, in the form [provided by] law, to the reserves, without prejudice to the counting of time for retirement.

§5. While he receives remuneration from his permanent or temporary position, the soldier shall have no claim to the income from his [military] post, either on the active list, the reserves, or the retired list.

§6. The provision of Articles 192 and 193 shall be applied to soldiers.

ART. 183. The military police, instituted for internal security and the maintenance of order in the States, the territories, and the federal district, are considered, as auxiliary forces, reserves of the army.

Sole Paragraph. Their personnel shall, when mobilized in the service of the Union in time of foreign or civil war, enjoy the same benefits attributed to the personnel of the army.

TITLE VIII

Concerning Public Officials

ART. 184. Public positions are open to all Brazilians, with observance of the requirements that the law may establish.

ART. 185. The accumulation of any positions is prohibited, except that provided for in Article 96, Number I, [i.e., 1st clause], and the accumulation of two teaching positions, or of a teaching position and a scientific or technical one, provided that there is correlation of subjects and compatibility of schedule.

ART. 186. The first investiture in career offices, or in others which the law may determine, shall be effected by competition followed by health inspection.

ART. 187. Only the offices of magistrates, of ministers of the tribunal of accounts, of officials of the judiciary, and of professors are offices with life tenure.

ART. 188. The following shall be secure [in their employment]:

1st. Effective employees appointed by competition, after two years in office.

2nd. Effective employees appointed without competition, after five years in office.

Sole Paragraph. The guarantees established in this article do not apply to confidential positions, or to those that the law declares to be of free appointment or dismissal.

ART. 189. Public employees shall lose their positions:

1st. If holding life office, only by virtue of a judicial sentence.

2nd. If holding a secure office, not only in the case provided for in the preceding clause, but also if their offices are abolished or if they are dismissed by means of an administrative process in which they have been allowed ample defense.

Sole Paragraph. Should an office be abolished, the secure employee shall go on an available list with pay, until he is obligatorily made use of in another position whose nature and pay are compatible with that he had occupied.

ART. 190. Should the dismissal of any employee be invalidated by a sentence, he shall be reinstated; anyone who may have occupied his place shall be summarily removed or restored to his previous position, but without right to indemnification.

ART. 191. Employees shall be retired:

1st. For invalidity.

2nd. Compulsorily, at the age of seventy.

§1. Any employee with more than thirty-five years of service may be retired at his request.

§2. Retirement salaries shall be in full, if the employee has had thirty years of service; and in proportion if he has not attained this limit.

§3. Retirement salaries shall be in full when the employee becomes invalid on account of an accident sustained in the service, by reason of a professional illness, or serious, contagious, or incurable illness, specified by law.

§4. Having regard to the special nature of the work, the law may reduce the limits referred to in Number II [i.e., 2nd clause] and in Section 2 of this article.

ART. 192. The time of federal, state, or municipal public service shall be computed in full, for the purposes of placement on available lists and retirement.

ART. 193. Retired public employees shall have their pensions readjusted provided that fluctuation of the purchasing power of currency forces a new salary pattern for active employees.

ART. 194. Juridical persons of public law are civilly responsible for any harm that their employees, as such, may cause to third parties.

Sole Paragraph. These persons shall enjoy recourse of action against the employees causing the harm, if the latter are found to have been guilty.

TITLE IX

General Provisions

ART. 195. The flag, the hymn, the seal, and the arm in use on the date of promulgation of this Constitution are national symbols.

Sole Paragraph. The States and municipalities may have their own symbols.

ART. 196. Diplomatic representation to the Holy See is maintained.

ART. 197. The incompatibilities set forth in Article 48 extend in so far as may be applicable to the President and Vice-President of the Republic, to the Ministers of State, and to the members of the Judiciary.

ART. 198. The Union shall expend, annually, upon works and services of social and economic assistance for the execution of the defense plans against the effects of the so-called drought of the Northeast, an amount never inferior to three per cent of all revenue.

§1. One-third of this amount shall be deposited in a special fund, intended for the help of the populations affected by the calamity; this reserve, or part of it, may be invested at modest interest consonant with the provisions of the law, in loans to farmers and industrialists established in the area embraced by the drought.

§2. The States included within the drought area shall invest three per cent of their tax revenue in the construction of dams, by a system of co-operation, and in other services necessary to the assistance of their populations.

ART. 199. The Union shall invest, during at least twenty consecutive years, an amount not less than three per cent of its revenue in the execution of the plan to increase the economic worth of Amazonia.

Sole Paragraph. The States and territories within that region, as well as their respective municipalities, shall reserve annually, for the same purpose, three per cent of their tax revenue. The resources referred to in this paragraph shall be applied through the medium of the federal Government.

ART. 200. Only by vote of an absolute majority of their members may the tribunals declare the unconstitutionality of a law or of an act of the public authorities.

ART. 201. Cases in which the Union is the plaintiff shall be transferred to the capital of the State or territory in which the other party is domiciled. Cases brought against the Union may be transferred to the capital of the State or territory in which the plaintiff is domiciled, or to the capital of the State in which occurred the act or deed originating the case or in which the thing is situated, or even to the federal district.

§1. Cases brought before other judges, if the Union shall figure therein as witness or opponent, shall come under the jurisdiction of one of the judges of the capital.

§2. The law may permit the action to be brought in another court, committing the judicial representation of the Union to the state public ministry.

ART. 202. Taxes shall have a personal nature whenever possible, and shall be graduated in conformity with the economic capacity of the taxpayer.

ART. 203. No tax shall fall directly on the royalties of an author or on the remuneration of professors and journalists.

ART. 204. The payments due by the federal, state, or municipal treasuries, by virtue of judicial sentence, shall be made in the order of presentation of the claims and against the respective credits, designation of cases or persons in the budget allocations and extra-budgetary credits, opened for this purpose, being prohibited.

Sole Paragraph. The budget allocations and credits opened shall be assigned to the Judiciary, the amounts being paid to the competent department. It is the responsibility of the president of the federal tribunal of appeals or, according to the case, the president of the tribunal of justice, to issue orders of payment according to the possibilities of the deposit, and to authorize, upon requisition of any creditor deferred in his right of precedence, and after hearing the chief of the Public Ministry, the sequestration of the amount necessary to satisfy the debit.

ART. 205. The national council of economy is created, the organization of which shall be regulated by law.

§1. Its members shall be nominated by the President of the Republic, after approval of the selection by the federal Senate, from among citizens of known competence in economic matters.

§2. The council shall have power to study the economic life of the country and to suggest to the competent authority the measures it may consider necessary.

ART. 206. The national Congress may decree a state of siege in the following instances:

- 1st. Serious internal disturbance, or facts evidencing its imminence.
- 2nd. Foreign war.

ART. 207. The law decreeing a state of siege in the case of foreign war or in the case of serious internal disturbance with the character of civil war, shall establish the standards its execution should follow, and shall indicate the constitutional guarantees that will continue in effect. It shall also specify the cases in which crimes against the security of the Nation or its political and social institutions become subject to military jurisdiction and legislation, even though committed by civilians, but outside of the zones of operation only when related to the latter and having a bearing on their development.

Sole Paragraph. When the law has been published, the President of the Republic shall designate by decree the persons to whom the execution of the state of siege is committed, and the zones of operation that, in accordance with the aforesaid law, shall be submitted to military jurisdiction and legislation.

ART. 208. It shall be incumbent upon the President of the Republic, in the interval between legislative sessions, to decree or extend the state of siege, observing the provisions of the preceding article.

Sole Paragraph. When the state of siege has been decreed, the president of the Senate shall immediately convoke the national Congress, to assemble within fifteen days, to approve or disapprove the law.

ART. 209. During the state of siege decreed on the basis of Number I, [i.e., 1st clause] of Article 206, only the following measures may be taken against persons:

- 1st. The obligation to remain in a determined locality.
- 2nd. Detention in a building not intended for common criminals.
- 3rd. Removal to any locality, populated and healthful, in the national territory.

Sole Paragraph. The President of the Republic may, moreover, determine:

1st. Censorship of correspondence or publicity, including that of radio broadcasting, the cinema, and the theater.

and. Suspension of the liberty of assembly, including that carried on among associations.

3rd. Search and arrest in homes.

4th. Suspension from the exercise of office or employment, of any public official or employee of any autarchy, or entity of mixed economy, or concern holding concession for public services.

5th. Intervention in public service concerns.

ART. 210. The state of siege, in the case of Number I [i.e., 1st clause] of Article 206, may not be decreed for more than thirty days, nor may it be

extended, in each instance, for more than this period. In the case of Number II [i.e., 2nd clause], it may be decreed for the whole time that the foreign war shall last.

ART. 211. When a state of siege is decreed by the President of the Republic, he shall, as soon as the national Congress is assembled, report to the latter, in a special message, the reasons determining the decree, and shall justify the measures that may have been adopted. The national Congress shall, in secret session, deliberate upon the decree issued, in order to revoke it or maintain it; the Congress may also consider the steps of the Government, of which it may have cognizance, and, when necessary, it may authorize the extension of the measure.

ART. 212. The decree of state of siege shall always specify the regions it is to cover.

ART. 213. The immunities of the members of the national Congress shall continue during the state of siege; nevertheless, the immunities of certain Deputies and Senators whose liberty becomes manifestly incompatible with the defense of the Nation or with the security of political or social institutions, may be suspended by means of vote of two-thirds of the members of the Chamber or of the Senate.

Sole Paragraph. Authorization shall, in the interval between legislative sessions, be given by the president of the Chamber of Deputies, or by the vice-president of the federal Senate, depending upon whether it refers to members of one or the other Chamber, but subject to referendum of the competent Chamber, which shall be immediately convoked to assemble within fifteen days.

ART. 214. When the state of siege has expired, its effects shall also cease.

Sole Paragraph. As soon as the state of siege shall end, the measures applied during the period of its effectiveness shall be reported by the President of the Republic in a message to the national Congress, with specification and justification of the measures adopted.

ART. 215. Non-observance of any of the provisions of Article 206 to 214 shall make the restraint illegal, and shall allow the parties restrained to appeal to the Judiciary.

ART. 216. The possession of lands by forest dwellers, who may be permanently dwelling there, shall be respected, provided that they do not transfer them.

ART. 217. The Constitution may be amended.

§1. An amendment shall be considered proposed, if presented by at least one-fourth of the members of the Chamber of Deputies or of the federal Senate, or by more than one-half of the legislative assemblies of the States, in the course of two years, each of these manifesting itself by a majority of its members.

§2. An amendment shall be considered accepted if approved in two dis-

cussions by an absolute majority of the Chamber of Deputies and of the federal Senate, in two regular and consecutive legislative sessions.

§3. If the amendment shall obtain in one of the Chambers, in two discussions, the vote of two-thirds of its members, it shall immediately be submitted to the other; and, if approved in this Chamber by the same process, and by an equal majority, it shall be considered accepted.

§4. The amendment shall be promulgated by the executive boards of the Chamber of Deputies and of the federal Senate. It shall be published with the signatures of the members of both executive boards, and appended, with its respective ordinal number, to the text of the Constitution.

§5. The Constitution shall not be modified while a state of siege is in force.

§6. Bills intended to abolish the Federation or the Republic shall not be admitted to consideration.

ART. 218. This Constitution, and the act of the constitutional transitory provisions, after they have been signed by the Deputies and Senators present, shall be promulgated simultaneously by the executive board of the Constituent Assembly, and shall enter into force on the date of their publication.

Rio de Janeiro, September 18th, 1946.

Canada



BRITISH control of what is now Canada became legally effective only after the signing of the Treaty of Paris on February 10, 1763. By far the most important portion at the time was the French-populated area of Quebec. Little was done to formalize the government until the passage of the Quebec Act, given the royal assent on June 22, 1774. In addition to organizing the government, the act made important concessions to the French-Canadian population and thus helped to prevent the defection of Quebec during the American Revolution. By the terms of the Constitutional Act (given the royal assent on June 19, 1791), the way was paved for the organization of the separate provinces of Lower Canada (the French-speaking portion along the lower St. Lawrence River) and Upper Canada (English-inhabited areas to the southwest).

The constitution of 1791 did not work satisfactorily. Rebellions occurred in both Lower and Upper Canada in 1837. As a consequence Lord Durham was sent to Canada as governor in 1838 with a broad mandate to study the situation and make recommendations. His report, dated January 31, 1839, proposed the fusion of Lower and Upper Canada and the ultimate union of all British North America. The recommendations were given form in the British Parliament's Act of Union, July 23, 1840, which provided for the joining of the two units as the province of Canada, with equal representation in a parliament to care for common needs, and each with its own legislature for local matters.

The British parliament made an additional grant of autonomy in 1849, but political conditions continued unsatisfactory. The smaller units of Nova Scotia, New Brunswick, and Prince Edward Island (the Maritime Provinces) planned to meet in conference at Charlottetown on September 1, 1864, to consider the possibility of a federal union among them. The larger province of Canada broached its own admission to such discussions. In consequence, there assembled at Quebec on October 10, 1864, a conference representing Canada as well as the Maritime Provinces. Within a short time it agreed on seventy-two resolutions, which became the basis of the later constitution. After prolonged discussions in the provinces, the matter was transferred to London, and with relatively little debate the parliament passed the British North America Act, dated March 29, 1867; it became effective July 1 of that year. The act created the federal Dominion of Canada composed of the four provinces of Quebec, Ontario (previously Lower and Upper Canada, respec-

tively), Nova Scotia, and New Brunswick. Territorial additions to the Dominion included Manitoba, 1870; British Columbia, 1871; Prince Edward Island, 1873; Saskatchewan and Alberta, 1905. Other portions of the Dominion area are governed as territories.

Acts amending the Canadian constitution include the following British North America Acts: 1871 (establishment of provinces, validating Canadian acts), 1875 (validating oaths act), 1886 (representation of territories), 1907 (provincial subsidies), 1915 (alteration of the constitution of the senate), 1916 (extension of the twelfth parliament), 1930 (agreement with the western provinces), 1940 (unemployment insurance), and 1943 (readjustment of representation).

THE BRITISH NORTH AMERICA ACT, 1867

An act for the union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for purposes connected therewith.

Whereas the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their desire to be federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in principle to that of the United Kingdom:

And whereas such a union would conduce to the welfare of the Provinces and promote the interests of the British Empire:

And whereas on the establishment of the union by the authority of Parliament it is expedient, not only that the constitution of the legislative authority in the Dominion be provided for, but also that the nature of the executive government therein be declared:

And whereas it is expedient that provision be made for the eventual admission into the union of other parts of British North America:

I. PRELIMINARY

1. This Act may be cited as the British North America Act, 1867.
2. [Repealed.]

II. UNION

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, to declare by proclamation that, on and after a day therein appointed, not being more than six months after the passing of this Act, the Provinces of Nova Scotia, and New Brunswick shall form and be one Dominion under the name of Canada; and on and after that day those three Provinces shall form and be one Dominion under that name accordingly.

4. Unless it is otherwise expressed or implied, the name Canada shall be taken to mean Canada as constituted under this Act.

5. Canada shall be divided into four Provinces, named Ontario, Quebec, Nova Scotia, and New Brunswick.

6. The parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be severed, and shall form two separate Provinces. The part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

7. The Provinces of Nova Scotia and New Brunswick shall have the same limits as at the passing of this Act.

8. In the general census of the population of Canada which is hereby required to be taken in the year 1871, and in every tenth year thereafter, the respective populations of the four Provinces shall be distinguished.

III. EXECUTIVE POWER

9. The executive government and authority of and over Canada is hereby declared to continue and be vested in the Queen.

10. The provisions of this Act referring to the Governor General extend and apply to the Governor General for the time being of Canada, or other the chief executive officer or administrator for the time being carrying on the Government of Canada on behalf and in the name of the Queen, by whatever title he is designated.

11. *There shall be a Council to aid and advise in the government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be members of that Council shall be from time to time chosen and summoned by the Governor General and sworn in as Privy Councilors, and members thereof may be from time to time removed by the Governor General.*

12. All powers, authorities, and functions which under any act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, are at the union vested in or exercisable by the respective governors or lieutenant governors of those Provinces, with the advice, or with the advice and consent, of the respective executive councils thereof, or in conjunction with those councils, or with any number of members thereof, or by those governors or lieutenant governors individually, shall, as far as the same continue in existence and capable of being exercised after the union in relation to the Government of Canada, be vested in and exercisable by the Governor General, with the advice or with the advice and consent of or in conjunction with the Queen's Privy Council for Canada, or any members thereof, or by the Governor General individually, as the case requires, subject nevertheless (except with respect to such as exist under acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

13. The provisions of this Act referring to the Governor General in Council shall be construed as referring to the Governor General acting by and with the advice of the Queen's Privy Council for Canada.

14. It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor General from time to time to appoint any person or any persons

jointly or severally to be his deputy or deputies within any part or parts of Canada, and in that capacity to exercise during the pleasure of the Governor General such of the powers, authorities, and functions of the Governor General as the Governor General deems it necessary or expedient to assign to him or them, subject to any limitations or directions expressed or given by the Queen; but the appointment of such a deputy or deputies shall not affect the exercise by the Governor General himself of any power, authority, or function.

15. The commander-in-chief of the land and naval militia, and of all naval and military forces, of and in Canada, is hereby declared to continue and be vested in the Queen.

16. Until the Queen otherwise directs, the seat of Government of Canada shall be Ottawa.

IV. LEGISLATIVE POWER

17. There shall be one Parliament for Canada, consisting of the Queen, an upper House styled the Senate, and the House of Commons.

18. The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by act of the Parliament of Canada, but so that any act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passage of such act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

19. The Parliament of Canada shall be called together not later than six months after the union.

20. There shall be a session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and its first sitting in the next session.

THE SENATE

21. The Senate shall, subject to the provisions of this Act, consist of ninety-six members, who shall be styled Senators.

22. In relation to the constitution of the Senate, Canada shall be deemed to consist of three divisions:

1st. Ontario.

2nd. Quebec.

3rd. The Maritime Provinces, Nova Scotia and New Brunswick; which three divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows: Ontario by twenty-four Senators; Quebec by twenty-four Senators; and the Maritime Provinces by twenty-four Sena-

tors, twelve thereof representing Nova Scotia, and twelve thereof representing New Brunswick.¹

In the case of Quebec each of the twenty-four Senators representing that Province shall be appointed for one of the twenty-four electoral divisions of Lower Canada specified in Schedule A to Chapter 1 of the consolidated statutes of Canada.

23. The qualification of a Senator shall be as follows:

1st. He shall be of the full age of thirty years.

2nd. He shall be either a natural-born subject of the Queen, or a subject of the Queen naturalized by an act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the legislature of one of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the union, or of the Parliament of Canada, after the union.

3rd. He shall be legally or equitably seised as of freehold for his own use and benefit of lands or tenements held in free and common socage, or seised or possessed for his own use and benefit of lands or tenements held in franc-alieu or in roture, within the Province for which he is appointed, of the value of \$4,000, over and above all rents, dues, debts, charges, mortgages, and incumbrances due or payable out of or charged on or affecting the same.

4th. His real and personal property shall be together worth \$4,000 over and above his debts and liabilities.

5th. He shall be resident in the Province for which he is appointed.

6th. In the case of Quebec he shall have his real property qualification in the electoral division for which he is appointed, or shall be resident in that division.

24. The Governor General shall from time to time, in the Queen's name, by instrument under the great seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this Act, every person so summoned shall become and be a member of the Senate and a Senator.

25. [Repealed.]

26. If at any time on the recommendation of the Governor General, the Queen thinks fit to direct that four or eight members be added to the Senate, the Governor General may by summons to four or eight qualified persons (as the case may be), representing equally the four divisions of Canada, add to the Senate accordingly.

27. In case of such addition being at any time made the Governor General shall not summon any person to the Senate, except on a further like direction by the Queen on the like recommendation, until each of the four divisions of Canada is represented by twenty-four Senators and no more.

28. The number of Senators shall not at any time exceed 104.

1. The Senate now includes representatives of Prince Edward Island and also a fourth division comprising the western provinces of Manitoba, Saskatchewan, Alberta, and British Columbia.

29. A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

30. A Senator may by writing under his hand addressed to the Governor General resign his place in the Senate, and thereupon the same shall be vacant.

31. The place of a Senator shall become vacant in any of the following cases:

1st. If for two consecutive sessions of the Parliament he fails to give his attendance in the Senate.

2nd. If he takes an oath or makes a declaration or acknowledgement of allegiance, obedience, or adherence to a foreign power, or does an act whereby he becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen, of a foreign power.

3rd. If he is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter.

4th. If he is attainted of treason or convicted of felony or of any infamous crime.

5th. If he ceases to be qualified in respect of property or of residence; provided, that a Senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the seat of the Government of Canada while holding an office under that Government requiring his presence there.

32. When a vacancy happens in the Senate by resignation, death, or otherwise, the Governor General shall by summons to a fit and qualified person fill the vacancy.

33. If any question arises respecting the qualification of a Senator or a vacancy in the Senate the same shall be heard and determined by the Senate.

34. The Governor General may from time to time, by instrument under the great seal of Canada, appoint a Senator to be speaker of the Senate, and may remove him and appoint another in his stead.

35. Until the Parliament of Canada otherwise provides, the presence of at least fifteen Senators, including the speaker, shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

36. Questions arising in the Senate shall be decided by a majority of voices, and the speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

THE HOUSE OF COMMONS

37. The House of Commons shall, subject to the provisions of this Act, consist of 181 members, of whom eighty-two shall be elected for Ontario, sixty-five for Quebec, nineteen for Nova Scotia, and fifteen for New Brunswick.²

2. These numbers have been subsequently altered; cf. Section 51 of this Act, and the British North America Acts of 1871 and 1886.

38. The Governor General shall from time to time, in the Queen's name, by instrument under the great seal of Canada, summon and call together the House of Commons.

39. A Senator shall not be capable of being elected or of sitting or voting as a member of the House of Commons.

40. Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia, and New Brunswick shall, for the purposes of the election of members to serve in the House of Commons, be divided into electoral districts as follows:

1. *Ontario*

Ontario shall be divided into the counties, ridings of counties, cities, parts of cities, and towns enumerated in the First Schedule to this Act, each whereof shall be an electoral district, each such district as numbered in that schedule being entitled to return one member.

2. *Quebec*

Quebec shall be divided into sixty-five electoral districts, composed of the sixty-five electoral divisions into which Lower Canada is at the passing of this Act divided under Chapter 2 of the consolidated statutes of Canada, Chapter 75 of the consolidated statutes for Lower Canada, and the act of the Province of Canada of the twenty-third year of the Queen, Chapter 1, or any other act amending the same in force at the union, so that each such electoral division shall be for the purposes of this Act an electoral district entitled to return one member.

3. *Nova Scotia*

Each of the eighteen counties of Nova Scotia shall be an electoral district. The County of Halifax shall be entitled to return two members, and each of the other counties one member.

4. *New Brunswick*

Each of the fourteen counties into which New Brunswick is divided, including the City and County of St. John, shall be an electoral district. The City of St. John shall also be a separate electoral district. Each of those fifteen electoral districts shall be entitled to return one member.

41. Until the Parliament of Canada otherwise provides, all laws in force in the several Provinces at the union relative to the following matters or any of them, namely: the qualifications and disqualifications of persons to be elected or to sit and vote as members of the house of assembly or legislative assembly in the several Provinces, the voters at elections of such members, the oaths to be taken by voters, the returning officers, their powers and duties, the proceedings at elections, the periods during which elections may be con-

tinued, the trial of controverted elections, and proceedings incident thereto, the vacating of seats of members, and the execution of new writs in case of seats vacated otherwise than by dissolution—shall respectively apply to elections of members to serve in the House of Commons for the same several Provinces.

Provided that, until the Parliament of Canada otherwise provides, at any election for a member of the House of Commons for the District of Algoma, in addition to persons qualified by the law of the Province of Canada to vote, every male British subject, aged twenty-one years or upwards, being a householder, shall have a vote.

42. [Repealed.]

43. [Repealed.]

44. The House of Commons on its first assembling after a general election shall proceed with all practicable speed to elect one of its members to be speaker.

45. In case of a vacancy happening in the office of speaker by death, resignation, or otherwise, the House of Commons shall with all practicable speed proceed to elect another of its members to be speaker.

46. The speaker shall preside at all meetings of the House of Commons.

47. Until the Parliament of Canada otherwise provides, in case of the absence for any reason of the speaker from the chair of the House of Commons for a period of forty-eight consecutive hours, the House may elect another of its members to act as speaker, and the member so elected shall during the continuance of such absence of the speaker have and execute all the powers, privileges, and duties of speaker.

48. The presence of at least twenty members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the speaker shall be reckoned as a member.

49. Questions arising in the House of Commons shall be decided by a majority of voices other than that of the speaker, and when the voices are equal, but not otherwise, the speaker shall have a vote.

50. Every House of Commons shall continue for five years from the day of the return of the writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

51. On the completion of each decennial census, the representation of the four Provinces shall be readjusted by such authority, in such manner, and from such time, as the Parliament of Canada from time to time provides, subject and according to the following rules:

1st. Quebec shall have the fixed number of sixty-five members.

2nd. There shall be assigned to each of the other Provinces such a number of members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained).

3rd. In the computation of the number of members for a Province a fractional part not exceeding one-half the whole number requisite for entitling the Province to a member shall be disregarded; but a fractional part exceeding one-half of that number shall be equivalent to the whole number.

4th. On any such readjustment, the number of members for a Province shall not be reduced unless the proportion which the number of the population of the Province bore to the number of the aggregate population of Canada at the then last preceding readjustment of the number of members for the Province is ascertained at the then latest census to be diminished by one-twentieth part or upwards.

5th. Such readjustment shall not take effect until the termination of the then existing Parliament.

51A. Notwithstanding anything in this Act, a Province shall always be entitled to a number of members in the House of Commons not less than the number of Senators representing such Province.

52. The number of members of the House of Commons may be from time to time increased by the Parliament of Canada, provided the proportionate representation of the Provinces prescribed by this Act is not thereby disturbed.

MONEY VOTES; ROYAL ASSENT

53. Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons.

54. It shall not be lawful for the House of Commons to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue, or for any tax or impost, to any purpose that has not been first recommended to that House by message of the Governor General in the session in which such vote, resolution, address, or bill is proposed.

55. Where a bill passed by the Houses of Parliament is presented to the Governor General for the Queen's assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's instructions, either that he assents thereto in the Queen's name, or that he withholds the Queen's assent, or that he reserves the bill for the signification of the Queen's pleasure.

56. Where the Governor General assents to a bill in the Queen's name, he shall by the first convenient opportunity send an authentic copy of the act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council within two years after receipt thereof by the Secretary of State thinks fit to disallow the act, such disallowance (with a certificate of the Secretary of State of the day on which the act was received by him) being signified by the Governor General, by speech or message to each of the Houses of the Parliament or by proclamation, shall annul the act from and after the day of such signification.

57. A bill reserved for the signification of the Queen's pleasure shall not

have any force unless and until within two years from the day on which it was presented to the Governor General for the Queen's assent, the Governor General signifies by speech or message to each of the Houses of the Parliament or by proclamation, that it has received the assent of the Queen in Council.

An entry of every such speech, message, or proclamation shall be made in the journal of each House, and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the records of Canada.

V. PROVINCIAL CONSTITUTION

EXECUTIVE POWER

58. For each Province there shall be an officer, styled the lieutenant governor, appointed by the Governor General in Council by instrument under the great seal of Canada.

59. A lieutenant governor shall hold office during the pleasure of the Governor General; but any lieutenant governor appointed after the commencement of the first session of the Parliament of Canada shall not be removable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by message to the Senate and to the House of Commons within one week thereafter if the Parliament is then sitting, and if not then within one week after the commencement of the next session of the Parliament.

60. The salaries of the lieutenant governors shall be fixed and provided by the Parliament of Canada.

61. Every lieutenant governor shall, before assuming the duties of his office, make and subscribe before the Governor General or some person authorized by him, oaths of allegiance and office similar to those taken by the Governor General.

62. The provisions of this Act referring to the lieutenant governor extend and apply to the lieutenant governor for the time being of each Province or other the chief executive officer or administrator for the time being carrying on the government of the Province, by whatever title he is designated.

63. The executive council of Ontario and of Quebec shall be composed of such persons as the lieutenant governor from time to time thinks fit, and in the first instance of the following officers, namely: the attorney general, the secretary and registrar of the Province, the treasurer of the Province, the commissioner of crown lands, and the commissioner of agriculture and public works, within Quebec, the speaker of the legislative council and the solicitor general.

64. The constitution of the executive authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the union until altered under the authority of this Act.

65. All powers, authorities, and functions which, under any act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the union vested in or exercisable by the respective governors or lieutenant governors of those Provinces, with the advice or with the advice and consent of the respective executive councils thereof, or in conjunction with those councils, or with any number of members thereof, or by those governors or lieutenant governors individually, shall, as far as the same are capable of being exercised after the union in relation to the government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the lieutenant governor of Ontario and Quebec respectively, with the advice or with the advice and consent of or in conjunction with the respective executive councils, or any members thereof or by the lieutenant governor individually, as the case requires, subject nevertheless (except with respect to such as exist under acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland), to be abolished or altered by the respective legislatures of Ontario and Quebec.

66. The provisions of this Act referring to the lieutenant governor in council shall be construed as referring to the lieutenant governor of the Province acting by and with the advice of the executive council thereof.

67. The Governor General in Council may from time to time appoint an administrator to execute the office and functions of lieutenant governor during his absence, illness, or other inability.

68. Unless and until the executive government of any Province otherwise directs with respect to that Province, the seats of government of the Provinces shall be as follows, namely: of Ontario, the city of Toronto; of Quebec, the city of Quebec; of Nova Scotia, the city of Halifax; and of New Brunswick, the city of Fredericton.

LEGISLATIVE POWER

1. *Ontario*

69. There shall be a legislature for Ontario consisting of the lieutenant governor and of one house, styled the legislative assembly of Ontario.

70. The legislative assembly of Ontario shall be composed of eighty-two members, to be elected to represent the eighty-two electoral districts set forth in the First Schedule to this Act.

2. *Quebec*

71. There shall be a legislature for Quebec consisting of the lieutenant governor and of two houses, styled the legislative council of Quebec and the legislative assembly of Quebec.

72. The legislative council of Quebec shall be composed of twenty-four

members, to be appointed by the lieutenant governor, in the Queen's name, by instrument under the great seal of Quebec, one being appointed to represent each of the twenty-four electoral divisions of Lower Canada in this Act referred to, and each holding office for the term of his life, unless the legislature of Quebec otherwise provides under the provisions of this Act.

73. The qualifications of the legislative councilors of Quebec shall be the same as those of the Senators for Quebec.

74. The place of a legislative councilor of Quebec shall become vacant, *mutatis mutandis* in which the place of Senator becomes vacant.

75. When a vacancy happens in the legislative council of Quebec by resignation, death, or otherwise, the lieutenant governor, in the Queen's name, by instrument under the great seal of Quebec, shall appoint a fit and qualified person to fill the vacancy.

76. If any question arises respecting the qualification of a legislative councilor of Quebec, or a vacancy in the legislative council of Quebec, the same shall be heard and determined by the legislative council.

77. The lieutenant governor may from time to time, by instrument under the great seal of Quebec, appoint a member of the legislative council of Quebec to be speaker thereof, and may remove him and appoint another in his stead.

78. Until the legislature of Quebec otherwise provides, the presence of at least ten members of the legislative council, including the speaker, shall be necessary to constitute a meeting for the exercise of its powers.

79. Questions arising in the legislative council of Quebec shall be decided by a majority of voices, and the speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

80. The legislative assembly of Quebec shall be composed of sixty-five members, to be elected to represent the sixty-five electoral divisions or districts of Lower Canada in this Act referred to, subject to alteration thereof by the legislature of Quebec: provided that it shall not be lawful to present to the lieutenant governor of Quebec for assent any bill for altering the limits of any of the electoral divisions or districts mentioned in the Second Schedule to this Act, unless the second and third readings of such bill have been passed by the legislative assembly with the concurrence of the majority of the members representing all those electoral divisions or districts, and the assent shall not be given to such bill unless an address has been presented by the legislative assembly to the lieutenant governor stating that it has been so passed.

3. Ontario and Quebec

81. [Repealed.]

82. The lieutenant governor of Ontario and of Quebec shall from time to time, in the Queen's name, by instrument under the great seal of the Province, summon and call together the legislative assembly of the Province.

83. Until the legislature of Ontario and Quebec otherwise provides, a person accepting or holding in Ontario or in Quebec any office, commission or employment, permanent or temporary, at the nomination of the lieutenant governor, to which an annual salary, or any fee, allowance, emolument, or profit of any kind or amount whatever from the Province is attached, shall not be eligible as a member of the legislative assembly of the respective Province, nor shall he sit or vote as such; but nothing in this section shall make ineligible any person being a member of the executive council of the respective Province, or holding any of the following offices, that is to say, the offices of attorney general, secretary and registrar of the Province, treasurer of the Province, commissioner of crown lands, and commissioner of agriculture and public works, and in Quebec solicitor general, or shall disqualify him to sit or vote in the house for which he is elected, provided he is elected while holding such office.

84. Until the legislatures of Ontario and Quebec respectively otherwise provide, all laws which at the union are in force in those Provinces respectively, relative to the following matters, or any of them, namely: the qualifications and disqualifications of persons to be elected or to sit and vote as members of the Assembly of Canada, the qualifications or disqualifications of voters, the oaths to be taken by voters, the returning officers, their powers and duties, the proceedings at elections, the periods during which such elections may be continued, and the trial of controverted elections and the proceedings incident thereto, the vacating of the seats of members and the issuing and execution of new writs in case of seats vacated otherwise than by dissolution—shall respectively apply to elections of members to serve in the respective legislative assemblies of Ontario and Quebec.

Provided that until the legislature of Ontario otherwise provides, at any election for a member of the legislative assembly of Ontario for the district of Algoma, in addition to persons qualified by the law of the Province of Canada to vote, every male British subject, aged twenty-one years or upwards, being a householder, shall have a vote.

85. Every legislative assembly of Ontario and every legislative assembly of Quebec shall continue for four years from the day of the return of the writs for choosing the same (subject, nevertheless, to either the legislative assembly of Ontario or the legislative assembly of Quebec being sooner dissolved by the lieutenant governor of the Province), and no longer.

86. There shall be a session of the legislature of Ontario and of that of Quebec once at least in every year, so that twelve months shall not intervene between the last sitting of the legislature in each Province in one session and its first sitting in the next session.

87. The following provisions of this Act respecting the House of Commons of Canada shall extend and apply to the legislative assemblies of Ontario and Quebec, that is to say, the provisions relating to the election of a speaker

originally and on vacancies, the duties of the speaker, the absence of the speaker, the quorum, and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to each such legislative assembly.

4. *Nova Scotia and New Brunswick*

88. The constitution of the legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the union until altered under the authority of this Act.

89. [Repealed.]^a

6. *The Four Provinces*

90. The following provisions of this Act respecting the Parliament of Canada, namely: the provisions relating to appropriation and tax bills, the recommendation of money votes, the assent to bills, the disallowance of acts, and the signification of pleasure on bills reserved—shall extend and apply to the legislatures of the several Provinces as if those provisions were here re-enacted and made applicable in terms to the respective Provinces and legislatures thereof, with the substitution of the lieutenant governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of one year for two years, and of the Province for Canada.

VI. DISTRIBUTION OF LEGISLATIVE POWERS

POWERS OF THE PARLIAMENT

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the legislatures of the Provinces, and for greater certainty, but not so as to restrict the generality of the foregoing terms in this section, it is hereby declared that (notwithstanding anything in this Act) the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:

1st. The public debt and property.

2nd. The regulation of trade and commerce.

2A. Unemployment insurance.

3rd. The raising of money by any mode or system of taxation.

4th. The borrowing of money on the public credit.

5th. Postal service.

6th. The census and statistics.

7th. Militia, military and naval service, and defense.

8th. The fixing of and providing for the salaries and allowances of civil and other officers of the Government of Canada.

3. Section 89 constituted Arabic numeral 5 of the Act.

- 9th. Beacons, buoys, lighthouses, and Sable Island.
 - 10th. Navigation and shipping.
 - 11th. Quarantine and the establishment and maintenance of marine hospitals.
 - 12th. Sea coast and inland fisheries.
 - 13th. Ferries between a Province and any British or foreign country or between two Provinces.
 - 14th. Currency and coinage.
 - 15th. Banking, incorporation of banks, and the issue of paper money.
 - 16th. Savings banks.
 - 17th. Weights and measures.
 - 18th. Bills of exchange and promissory notes.
 - 19th. Interest.
 - 20th. Legal tender.
 - 21st. Bankruptcy and insolvency.
 - 22nd. Patents of invention and discovery.
 - 23rd. Copyrights.
 - 24th. Indians and lands reserved for the Indians.
 - 25th. Naturalization and aliens.
 - 26th. Marriage and divorce.
 - 27th. The criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters.
 - 28th. The establishment, maintenance, and management of penitentiaries.
 - 29th. Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the legislatures of the Provinces.
- And any matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the legislatures of the Provinces.

EXCLUSIVE POWERS OF PROVINCIAL LEGISLATURES

- 92. In each Province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:
 - 1st. The amendment from time to time, notwithstanding anything in this Act, of the constitution of the Province, except as regards the office of lieutenant governor.
 - 2nd. Direct taxation within the Province in order to the raising of a revenue for provincial purposes.
 - 3rd. The borrowing of money on the sole credit of the Province.
 - 4th. The establishment and tenure of provincial offices and the appointment and payment of provincial officers.

5th. The management and sale of the public lands belonging to the Province and of the timber and wood thereon.

6th. The establishment, maintenance, and management of public and reformatory prisons in and for the Province.

7th. The establishment, maintenance, and management of hospitals, asylums, charities, and eleemosynary institutions in and for the Province, other than marine hospitals.

8th. Municipal institutions in the Province.

9th. Shop, saloon, tavern, auctioneer, and other licenses in order to the raising of a revenue for provincial, local, or municipal purposes.

10th. Local works and undertakings other than such as are of the following classes:

I. Lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province.

II. Lines of steamships between the Province and any British or foreign country.

III. Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the Provinces.

11th. The incorporation of companies with provincial objects.

12th. The solemnization of marriage in the Province.

13th. Property and civil rights in the Province.

14th. The administration of justice in the Province, including the constitution, maintenance, and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts.

15th. The imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this section.

16th. Generally all matters of a merely local or private nature in the Province.

EDUCATION

93. In and for each Province the legislature may exclusively make laws in relation to education, subject and according to the following provisions:

1st. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the union.

2nd. All the powers, privileges, and duties at the union by law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects shall be and the same are hereby ex-

tended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

3rd. Where in any Province a system of separate or dissentient schools exist by law at the union or is thereafter established by the legislature of the Province, an appeal shall lie to the Governor General in Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

4th. In case any such provincial law as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section and of any decision of the Governor General in Council under this section.

UNIFORMITY OF LAWS IN ONTARIO, NOVA SCOTIA, AND NEW BRUNSWICK

94. Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and of the procedure of all or any of the courts in those three Provinces, and from and after the passing of any act in that behalf the power of the Parliament of Canada to make laws in relation to any matter comprised in any such act shall, notwithstanding anything in this Act, be unrestricted; but any act of the Parliament of Canada making provision for such uniformity shall not have effect in any Province unless and until it is adopted and enacted as law by the legislature thereof.

AGRICULTURE AND IMMIGRATION

95. In each Province the legislature may make laws in relation to agriculture in the Province, and to immigration into the Province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the Provinces, and to immigration into all or any of the Provinces; and any law of the legislature of a Province relative to agriculture or to immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any act of the Parliament of Canada.

VII. JUDICATURE

96. The Governor General shall appoint the judges of the superior, district, and county courts in each Province, except those of the courts of probate in Nova Scotia and New Brunswick.

97. Until the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and the procedure of the courts of those Provinces, are made uniform, the judges of the courts of those Provinces appointed by the Governor General shall be selected from the respective bars of those Provinces.

98. The judges of the courts of Quebec shall be selected from the bar of that Province.

99. The judges of the superior courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

100. The salaries, allowances, and pensions of the judges of the superior, district, and county courts (except the courts of probate in Nova Scotia and New Brunswick), and of the admiralty courts in cases where the judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada.

101. The Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance, and organization of a general court of appeal for Canada, and for the establishment of any additional courts for the better administration of the laws of Canada.

VIII. REVENUES; DEBTS; ASSETS; TAXATION

102. All duties and revenues over which the respective legislatures of Canada, Nova Scotia, and New Brunswick before and at the union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one consolidated revenue fund, to be appropriated for the public service of Canada in the manner and subject to the charges in this Act provided.

103. The consolidated revenue fund of Canada shall be permanently charged with the costs, charges, and expenses incident to the collection, management, and receipt thereof, and the same shall form the first charge thereon, subject to be reviewed and audited in such manner as shall be ordered by the Governor General in Council until the Parliament otherwise provides.

104. The annual interest of the public debts of the several Provinces of Canada, Nova Scotia, and New Brunswick at the union shall form the second charge on the consolidated revenue fund of Canada.

105. Unless altered by the Parliament of Canada, the salary of the Governor General shall be £10,000 sterling money of the United Kingdom of Great Britain and Ireland, payable out of the consolidated revenue fund of Canada, and the same shall form the third charge thereon.

106. Subject to the several payments by this Act charged on the consoli-

dated revenue fund of Canada, the same shall be appropriated by the Parliament of Canada for the public service.

107. All stocks, cash, banker's balances, and securities for money belonging to each Province at the time of the union, except as in this Act mentioned, shall be the property of Canada, and shall be taken in reduction of the amount of the respective debts of the Provinces at the union.

108. The public works and property of each Province, enumerated in the Third Schedule to this Act, shall be the property of Canada.

109. All lands, mines, minerals, and royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the union, and all sums then due or payable for such lands, mines, minerals, or royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.

110. All assets connected with such portions of the public debt of each Province as are assumed by that Province shall belong to that Province.

111. Canada shall be liable for the debts and liabilities of each Province existing at the union.

112. Ontario and Quebec conjointly shall be liable to Canada for the amount (if any) by which the debt of the Province of Canada exceeds at the union \$62,500,000, and shall be charged with interest at the rate of five per centum per annum thereon.

113. The assets enumerated in the Fourth Schedule to this Act belonging at the union to the Province of Canada shall be the property of Ontario and Quebec conjointly.

114. Nova Scotia shall be liable to Canada for the amount (if any) by which its public debt exceeds at the union \$8,000,000, and shall be charged with interest at the rate of five per centum per annum thereon.

115. New Brunswick shall be liable to Canada for the amount (if any) by which its public debt exceeds at the union \$7,000,000, and shall be charged with interest at the rate of five per centum per annum thereon.

116. In case the public debts of Nova Scotia and New Brunswick do not at the union amount to \$8,000,000 and \$7,000,000 respectively, they shall respectively receive by half-yearly payments in advance from the Government of Canada interest at five per centum on the difference between the actual amounts of their respective debts and such stipulated amounts.

117. The several Provinces shall retain all their respective public property not otherwise disposed of in this Act, subject to the right of Canada to assume any lands or public property required for fortifications or for the defense of the country.

118. [Superseded; cf. British North America Act of 1907, *infra*.]

119. New Brunswick shall receive by half-yearly payments in advance

from Canada for the period of ten years from the union an additional allowance of \$63,000 per annum; but as long as the public debt of that Province remains under \$7,000,000, a deduction equal to the interest at five per centum per annum on such deficiency shall be made from that allowance of \$63,000.

120. All payments to be made under this Act, or in discharge of liabilities created under any act of the Provinces of Canada, Nova Scotia, and New Brunswick respectively, and assumed by Canada, shall, until the Parliament of Canada otherwise directs, be made in such form and manner as may from time to time be ordered by the Governor General in Council.

121. All articles of the growth, produce, or manufacture of any one of the Provinces shall, from and after the union, be admitted free into each of the other Provinces.

122. The customs and excise laws of each Province shall, subject to the provisions of this Act, continue in force until altered by the Parliament of Canada.

123. Where customs duties are, at the union, leviable of any goods, wares, or merchandises in any two Provinces, those goods, wares, and merchandises may, from and after the union, be imported from one of those Provinces into the other of them on proof of payment of the customs duty leviable thereon in the Province of exportation, and on payment of such further amount (if any) of customs duty as is leviable thereon in the Province of importation.

124. Nothing in this Act shall affect the right of New Brunswick to levy the lumber dues provided in Chapter 15 of Title III of the Revised Statutes of New Brunswick, or in any act amending that act before or after the union, and not increasing the amount of such dues; but the lumber of any of the Provinces other than New Brunswick shall not be subject to such dues.

125. No lands or property belonging to Canada or any Province shall be liable to taxation.

126. Such portions of the duties and revenues over which the respective legislatures of Canada, Nova Scotia, and New Brunswick had before the union power of appropriation as are by this Act reserved to the respective governments or legislatures of the Provinces, and all duties and revenues raised by them in accordance with the special powers conferred upon them by this Act, shall in each Province form one consolidated revenue fund to be appropriated for the public service of the Province.

IX. MISCELLANEOUS PROVISIONS

GENERAL

127. [Repealed.]

128. Every member of the Senate or House of Commons of Canada shall, before taking his seat therein, take and subscribe before the Governor General or some person authorized by him, and every member of a legislative council or legislative assembly of any Province shall, before taking his seat

therein, take and subscribe before the lieutenant governor of the Province or some person authorized by him, the oath of allegiance contained in the Fifth Schedule to this Act; and every member of the Senate of Canada and every member of the legislative council of Quebec shall also, before taking his seat therein, take and subscribe before the Governor General or some person authorized by him, the declaration of qualification contained in the same schedule.

129. Except as otherwise provided by this Act, all laws in force in Canada, Nova Scotia, or New Brunswick at the union, and all courts of civil and criminal jurisdiction, and all legal commissions, powers, and authorities, and all officers, judicial, administrative, and ministerial, existing therein at the union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland), to be repealed, abolished, or altered by the Parliament of Canada, or by the legislature of the respective Province, according to the authority of the Parliament or of that legislature under this Act.

130. Until the Parliament of Canada otherwise provides, all officers of the several Provinces having duties to discharge in relation to matters other than those coming within the classes of subjects by this Act assigned exclusively to the legislatures of the Provinces shall be officers of Canada, and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities, and penalties as if the union had not been made.

131. Until the Parliament of Canada otherwise provides, the Governor General in Council may from time to time appoint such officers as the Governor General in Council deems necessary or proper for the effectual execution of this Act.

132. The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any Province thereof, as part of the British Empire, toward foreign countries arising under treaties between the Empire and such foreign countries.

133. Either the English or the French language may be used by any person in the debates of the Houses of the Parliament of Canada and of the houses of the legislature of Quebec; and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any court of Canada established under this Act, and in or from all or any of the courts of Quebec.

The acts of the Parliament of Canada and of the legislature of Quebec shall be printed and published in both those languages.

ONTARIO AND QUEBEC

134. Until the legislature of Ontario or of Quebec otherwise provides, the lieutenant governors of Ontario and Quebec may each appoint under the great seal of the Province the following officers, to hold office during pleasure, that is to say: the attorney general, the secretary and registrar of the Province, the treasurer of the Province, the commissioner of crown lands, and the commissioner of agriculture and public works, and in the case of Quebec the solicitor general, and may, by order of the lieutenant governor in council, from time to time prescribe the duties of those officers and of the several departments over which they shall preside or to which they shall belong, and of the officers and clerks thereof; and may also appoint other and additional officers to hold office during pleasure, and may from time to time prescribe the duties of those officers, and of the several departments over which they shall preside or to which they shall belong, and of the officers and clerks thereof.

135. Until the legislature of Ontario or Quebec otherwise provides, all rights, powers, duties, functions, responsibilities, or authorities at the passing of this Act vested in or imposed on the attorney general, solicitor general, secretary and registrar of the Province of Canada, minister of finance, commissioner of crown lands, commissioner of public works, and minister of agriculture and receiver general, by any law, statute, or ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or imposed on any officer to be appointed by the lieutenant governor for the discharge of the same or any of them; and the commissioner of agriculture and public works shall perform the duties and functions of the office of minister of agriculture at the passing of this Act imposed by the law of the Province of Canada, as well as those of the commissioner of public works.

136. Until altered by the lieutenant governor in Council, the great seals of Ontario and Quebec respectively shall be the same, or of the same design, as those used in the Provinces of Upper Canada and Lower Canada respectively before their union as the Province of Canada.

137. The words "and from thence to the end of the then next ensuing session of the legislature," or words to the same effect, used in any temporary act of the Province of Canada not expired before the union, shall be construed to extend and apply to the next session of the Parliament of Canada if the subject matter of the act is within the powers of the same, as defined by this Act, or to the next sessions of the legislatures of Ontario and Quebec respectively if the subject matter of the act is within the powers of the same as defined by this Act.

138. From and after the union the use of the words "Upper Canada" instead of "Ontario," or "Lower Canada" instead of "Quebec," in any deed,

writ, process, pleading, document, matter, or thing, shall not invalidate the same.

139. Any proclamation under the great seal of the Province of Canada issued before the union to take effect at a time which is subsequent to the union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several matters and things therein proclaimed shall be and continue of like force and effect as if the union had not been made.

140. Any proclamation which is authorized by any act of the legislature of the Province of Canada to be issued under the great seal of the Province of Canada, whether relating to that Province, or to Upper Canada, or to Lower Canada, and which is not issued before the union, may be issued by the lieutenant governor of Ontario or of Quebec, as its subject matter requires, under the great seal thereof; and from and after the issue of such proclamation the same and the several matters and things therein proclaimed shall be and continue of the like force and effect in Ontario or Quebec as if the union had not been made.

141. The penitentiary of the Province of Canada shall, until the Parliament of Canada otherwise provides, be and continue the penitentiary of Ontario and of Quebec.

142. The division and adjustment of the debts, credits, liabilities, properties, and assets of Upper Canada and Lower Canada shall be referred to the arbitrament of three arbitrators, one chosen by the government of Ontario, one by the government of Quebec, and one by the Government of Canada; and the selection of the arbitrators shall not be made until the Parliament of Canada and the legislatures of Ontario and Quebec have met; and the arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec.

143. The Governor General in Council may from time to time order that such and so many of the records, books, and documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the property of that Province; and any copy thereof or extract therefrom, duly certified by the officer having charge of the original thereof, shall be admitted as evidence.

144. The lieutenant governor of Quebec may from time to time, by proclamation under the great seal of the Province, to take effect from a day to be appointed therein, constitute townships in those parts of the Province of Quebec in which townships are not then already constituted, and fix the metes and bounds thereof.

X. INTERCOLONIAL RAILWAY

145. [Repealed.] ⁴

4. Section 145 constituted Roman numeral X of the Act.

XI. ADMISSION OF OTHER COLONIES

146. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on addresses from the Houses of Parliament of Canada, and from the houses of the respective legislatures of the colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those colonies or Provinces, or any of them, into the union, and on address from the Houses of the Parliament of Canada to admit Rupert's Land and the Northwestern Territory, or either of them, into the union, on such terms and conditions in each case as are in the addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any order in council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

147. In case of the admission of Newfoundland or Prince Edward Island, or either of them, each shall be entitled to a representation in the Senate of Canada of four members, and (notwithstanding anything in this Act) in case of the admission of Newfoundland the normal number of Senators shall be seventy-six and their maximum number shall be eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the third of the three divisions into which Canada is, in relation to the constitution of the Senate, divided by this Act, and accordingly, after the admission of Prince Edward Island, whether Newfoundland is admitted or not, the representation of Nova Scotia and New Brunswick in the Senate shall, as vacancies occur, be reduced from twelve to ten members respectively, and the representation of each of those Provinces shall not be increased at any time beyond ten, except under the provision of this Act for the appointment of three or six additional Senators under the direction of the Queen.

[Omitted]

SCHEDULES

[March 29th, 1867]

THE BRITISH NORTH AMERICA ACT, 1871

An Act respecting the establishment of Provinces in the Dominion of Canada.

Whereas doubts have been entertained respecting the powers of the Parliament of Canada to establish Provinces in territories admitted, or which may hereafter be admitted, into the Dominion of Canada, and to provide for the representation of such Provinces in the said Parliament, and it is expedient to remove such doubts, and to vest such powers in the said Parliament:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this

present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as The British North America Act, 1871.

2. The Parliament of Canada may from time to time establish new Provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such Province, and for the passing of laws for the peace, order, and good government of such Province, and for its representation in the said Parliament.

3. The Parliament of Canada may from time to time, with the consent of the legislature of any Province of the said Dominion, increase, diminish, or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby.

4. The Parliament of Canada may from time to time make provision for the administration, peace, order, and good government of any territory not for the time being included in any Province.

5. The following acts passed by the said Parliament of Canada, and entitled respectively "An act for the temporary government of Rupert's Land and the North Western Territory when united with Canada," and "An act to amend and continue the act thirty-two and thirty-three Victoria, Chapter 3, and to establish and provide for the government of the Province of Manitoba," shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent, in the Queen's name, of the Governor General of the said Dominion of Canada.

6. Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last-mentioned act of the said Parliament in so far as it relates to the Province of Manitoba, or of any other act hereafter establishing new Provinces in the said Dominion, subject always to the right of the legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualification of electors and members of the legislative assembly, and to make laws respecting elections in the said Province.

[June 29th, 1871]

THE BRITISH NORTH AMERICA ACT, 1886

22. An Act respecting the representation in the Parliament of Canada of territories which for the time being form part of the Dominion of Canada, but are not included in any Province.

Whereas it is expedient to empower the Parliament of Canada to provide for the representation in the Senate and House of Commons of Canada, or either of them, of any territory which for the time being forms part of the Dominion of Canada, but is not included in any Province:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Parliament of Canada may from time to time make provision for the representation in the Senate and House of Commons of Canada, or in either of them, of any territories which for the time being form part of the Dominion of Canada, but are not included in any Province thereof.

2. Any act passed by the Parliament of Canada before the passing of this Act for the purpose mentioned in this Act shall, if not disallowed by the Queen, be, and shall be deemed to have been, valid and effectual from the date at which it received the assent, in Her Majesty's name, of the Governor General of Canada.

It is hereby declared that any act passed by the Parliament of Canada, whether before or after the passing of this Act, for the purpose mentioned in this Act or in the British North America Act, 1871, has effect, notwithstanding anything in the British North America Act, 1867, and the number of Senators or the number of members of the House of Commons specified in the last-mentioned Act is increased by the number of Senators or of members, as the case may be, provided by any such act of the Parliament of Canada for the representation of any Provinces or territories of Canada.

3. This Act may be cited as the British North America Act, 1886.

This Act and the British North America Act, 1867, and the British North America Act, 1871, shall be construed together, and may be cited together as the British North America Acts, 1867 to 1886.

[June 25th, 1886]

THE BRITISH NORTH AMERICA ACT, 1907

An Act to make further provision with respect to the sums to be paid by Canada to the several Provinces of the Dominion.

Whereas an address has been presented to His Majesty by the Senate and Commons of Canada in the terms set forth in the schedule to this Act;

Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1st) The following grants shall be made yearly by Canada to every Province, which at the commencement of this Act is a Province of the

Dominion, for its local purposes and the support of its government and legislature:

(a) A fixed grant: where the population of the Province is under 150,000, of \$100,000; where the population of the Province is 150,000, but does not exceed 200,000, of \$150,000; where the population of the Province is 200,000, but does not exceed 400,000, of \$180,000; where the population of the Province is 400,000, but does not exceed 800,000, of \$190,000; where the population of the Province is 800,000, but does not exceed 1,500,000, of \$220,000; where the population of the Province exceeds 1,500,000, of \$240,000; and

(b) Subject to the special provisions of this Act as to the Provinces of British Columbia and Prince Edward Island, a grant at the rate of eighty cents per head of the population of the Province up to the number of 2,500,000, and at the rate of sixty cents per head of so much of the population as exceeds that number.

(2nd) An additional grant of \$100,000 shall be made yearly to the Province of British Columbia for a period of ten years from the commencement of this Act.

(3rd) The population of the Province shall be ascertained from time to time in the case of the Provinces of Manitoba, Saskatchewan, and Alberta respectively by the last quinquennial census or statutory estimate of population made under the acts establishing those Provinces or any other act of the Parliament of Canada making provision for the purpose, and in the case of any other Province by the last decennial census for the time being.

(4th) The grants payable under this Act shall be payable half-yearly in advance to each Province.

(5th) The grants payable under this Act shall be substituted for the grants or subsidies (in this Act referred to as existing grants) payable for the like purposes at the commencement of this Act to the several Provinces of the Dominion, under the provisions of Section 118 of the British North America Act, 1867, or of any order in council establishing a Province, or of any act of the Parliament of Canada containing directions for the payment of any such grant or subsidy, and those provisions shall cease to have effect.

(6th) The Government of Canada shall have the same power of deducting sums charged against a Province on account of the interest on public debt in the case of the grant payable under this Act in the Province as they have in the case of the existing grant.

(7th) Nothing in this Act shall affect the obligation of the Government of Canada to pay to any Province any grant which is payable to that Province, other than the existing grant for which the grant under this Act is substituted.

(8th) In the case of the Provinces of British Columbia and Prince Edward Island, the amount paid on account of the grant payable per head of the population to the Provinces under this Act shall not at any time be less than the amount of the corresponding grant payable at the commencement of this

Act; and if it is found on any decennial census that the population of the Province has decreased since the last decennial census, the amount paid on account of the grant shall not be decreased below the amount then payable, notwithstanding the decrease of the population.

2. This Act may be cited as the British North America Act, 1907, and shall take effect as from the first date of July, 1907.

SCHEDULE

[Omitted.]

[August 9th, 1907]

THE BRITISH NORTH AMERICA ACT, 1915

An Act to amend the British North America Act, 1867.

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1st) Notwithstanding anything in the British North America Act, 1867, or in any act amending the same, or in any order in council, or terms or conditions of union made or approved under the said acts, or in any act of the Canadian Parliament

I. The number of Senators provided for under Section 21 of the British North America Act, 1867, is increased from seventy-two to ninety-six.

II. The divisions of Canada in relation to the constitution of the Senate provided for by Section 22 of the said Act are increased from three to four, the fourth division to comprise the western Provinces of Manitoba, British Columbia, Saskatchewan, and Alberta, which four divisions shall (subject to the provisions of the said Act and of this Act) be equally represented in the Senate, as follows: Ontario by twenty-four Senators; Quebec by twenty-four Senators; the Maritime Provinces and Prince Edward Island by twenty-four Senators, ten thereof representing Nova Scotia, ten thereof representing New Brunswick, and four thereof representing Prince Edward Island; the western Provinces by twenty-four Senators, six thereof representing Manitoba, six thereof representing British Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta.

III. The number of persons whom by Section 26 of the said Act the Governor General of Canada may, upon the direction of His Majesty the King, add to the Senate is increased from three or six to four or eight, representing equally the four divisions of Canada.

IV. In case of such addition being at any time made the Governor General of Canada shall not summon any person to the Senate except upon a further like direction by His Majesty the King on the like recommendation to repre-

sent one of the four divisions until such division is represented by twenty-four Senators and no more.

V. The number of Senators shall not at any time exceed 104.

VI. The representation in the Senate to which by Section 147 of the British North America Act, 1867, Newfoundland would be entitled in case of its admission to the union is increased from four to six members, and in case of the admission of Newfoundland into the union, notwithstanding anything in the said Act or in this Act, the normal number of Senators shall be 102, and their maximum number 110.

VII. Nothing herein contained shall effect the powers of the Canadian Parliament under the British North America Act, 1886.

2. The British North America Act, 1867, is amended by adding thereto the following section immediately after Section 51 of the said Act:

51A. [As quoted in the text, *supra*.]

3. This Act may be cited as the British North America Act, 1915, and the British North America Acts, 1867 to 1886, and this Act may be cited together as the British North America Acts, 1867 to 1915.

[May 19th, 1915]

Chile



CHILE'S first constitutional documents antedated that state's permanent independence. In the confusion of moves at the beginning of the revolutionary period, a *cabildo abierto* at Santiago created a governing junta, and the latter called a congress which met July 4, 1811. The congress on August 8 approved a brief "regulation for the executive authority." This first constitution vested most power in the congress, although it also created a collegiate executive. The document itself was confused, and the government it set up did not work in practice. An early dictator, José Miguel Carrera, promoted discussion of a new constitution in 1812 and considerably influenced the form of the "provisional constitutional regulation" signed and promulgated on October 27, 1812. One of the figures in the preliminary discussions, incidentally, was Joel R. Poinsett, a United States diplomatic agent who was resident in Chile from 1811 to 1814. This anticipatory constitution of 1812 was the only one of the early documents to include a bill of rights. Continued political turbulence led another dictator to attempt to regularize his position by causing to be drafted a brief "regulation for provisional government," approved March 17, 1814; the basic purpose was to constitutionalize a concentrated executive authority.

For some years after the permanent establishment of Chilean independence in 1818 the dominant figure was Bernardo O'Higgins. The first of the O'Higgins-influenced instruments of government was a provisional plan drafted in the middle months of 1818 and promulgated on October 23. It was influenced largely by French, Argentine, and earlier Chilean sources. The purpose of the constitution of 1818 was the legitimatization of the dominant regime which even then had been in power for more than a year; the law was "undisguisedly autocratic." Almost at the end of O'Higgins' period of dominance a very short-lived new constitution was adopted. It was largely the work of the dictator's faithful lieutenant, Rodríguez Aldea. The new document was approved by the assembly on October 23, 1822, and promulgated one week later. In it, a democratic façade covered a formalization of dictatorship. Despite its lapse in January, 1823, with the fall of O'Higgins, it was significant in that it appeared more rounded and complete and that it considerably influenced later basic laws. Following the succession of General Ramón Freire as dictator in 1823, a congress met (August 12) to take up, among other matters, the problem of a new constitution. The new law, dated December 29, 1823, originated principally in the fertile mind of Juan Egaña,

a leading intellectual of the time, and has been described as "the most curious constitution written in America." The instrument provided for a strong executive, Chile's first council of state, a hierarchical system of local government, complex electoral machinery, and a chapter on national morality.

The abandonment of the Egaña law early in 1825 left Chile virtually without a constitutional foundation for some months. A constituent congress that met on July 4, 1826, had a strong federalist inclination. In the months between July, 1826, and February, 1827, the congress put a federal government into operation by piecemeal legislation and, in the meantime, worked sporadically on a new constitution. This document, setting up Chile's first and only federal regime, was dated August 28, 1826. Federalism failed dismally in practice, chaotic conditions continued, and a new congress in 1828 adopted a new basic law; it was approved on August 8. Its general tone was more realistic and conciliatory; most of its inspiration was French, Spanish, and Chilean.

Continuing political troubles merged into civil war which was not ended until 1830. The Conservatives triumphed, and a new constituent assembly, completely under that party's control, met October 1, 1831. For about a year and a half Chile concerned itself, through committee and convention, with a new charter. The resultant product was chiefly the work of Mariano Egaña, son of the main author of the 1823 constitution. It was promulgated on May 25, 1833. This constitution was destined to remain in effect for ninety-two years, a record unmatched for longevity among Latin American basic laws until the Argentine charter attained the same age in 1945. The government established by the 1833 constitution was closely parallel to that provided by the 1828 law, a fact the more curious because the two documents were sponsored by opposing parties. To a greater extent than has been true of most Latin American constitutions, the Chilean law of 1833 was simply a recognition and formalization of the contemporary development and interaction of economic and social forces. The regime it established was essentially and designedly conservative.

The administration of President José Manuel Balmaceda, 1886-91, was marked by increasing friction between the executive and legislative departments, culminating in a short but bitterly fought civil war in 1891. The triumph of the congressionalist faction introduced an era of quasi-parliamentary government. The unsatisfactory experience that Chile had with this form of governmental organization between 1890 and 1920 and the subsequent conflict between the congress and President Alessandri were preludes to the drafting of a new constitution in 1925. The new document was considerably influenced by Alessandri, although it retained many of the provisions of the 1833 constitution. It was adopted by the assembly on August 3, 1925, approved by a national plebiscite on August 30, and promulgated on September 18.

POLITICAL CONSTITUTION OF THE REPUBLIC OF CHILE

CHAPTER I

The State, Government, and Sovereignty

ARTICLE 1. The State of Chile is unitary. Its Government is republican and representatively democratic.

ART. 2. The sovereignty resides essentially in the Nation, which delegates its exercise to the authorities that this Constitution establishes.

ART. 3. No person or assembly of persons may assume the title or representation of the people, usurp its rights, or make demands in its name. Violation of this article is sedition.

ART. 4. No magistracy, or person, or assembly of persons, not even under the pretext of extraordinary circumstances, may assume any other authority or rights than those that have been expressly conferred upon them by the laws. Every act in contravention of this article is void.

CHAPTER II

Nationality and Citizenship

ART. 5. Chileans are:

1st. Those born in the territory of Chile, with the exception of the children of aliens who are located in Chile in the service of their government, and the children of transient aliens, all of whom may choose between the nationality of their parents and that of Chile.

2nd. The children of Chilean father or mother, born in foreign territory, by the sole act of becoming resident in Chile. The children of Chileans born abroad, the father or mother being at that time in the service of the Republic, are Chileans even for those purposes wherein the fundamental laws, or any others, may require birth within Chilean territory.

3rd. Aliens who may obtain letters of naturalization in conformity with the law, expressly renouncing their former nationality, and

4th. Those who may obtain a special grant of naturalization by law.

Naturalized persons will have the right to public office by popular election only after five years of being in possession of their letters of naturalization.

The law will regulate the procedure for a choice between Chilean and foreign nationality, for the granting, denial, or cancellation of letters of naturalization, and for the keeping of a register of all these acts.

ART. 6. Chilean nationality is lost:

1st. By naturalization in a foreign country.

2nd. By cancellation of the letters of naturalization, and

3rd. By the lending of services during war to the enemies of Chile or of her allies.

Those who may have lost Chilean nationality for any of the causes established in this article cannot be rehabilitated except by law.

ART. 7. Chileans who may have attained twenty-one years of age, who know how to read and write, and are inscribed in the electoral registers are citizens with the right of suffrage.

These registers are public and are valid for the time that the law may determine.

Inscriptions will be permanent and will be suspended only for the periods that the law indicates.

In popular elections voting shall always be secret.

ART. 8. The exercise of the right of suffrage is suspended:

1st. For physical or mental incapacity that may interfere with free and deliberative action, and

2nd. When the citizen shall be under indictment for an offense punishable corporally.

ART. 9. The status of citizen with right of suffrage is lost:

1st. For having lost Chilean nationality, and

2nd. Through condemnation to corporal punishment. Those who for this reason may have lost the status of citizenship may petition for rehabilitation by the Senate.

CHAPTER III

Constitutional Guarantees

ART. 10. The Constitution insures to all the inhabitants of the Republic:

1st. Equality before the law. In Chile there is no privileged class.

In Chile there are no slaves, and he who sets foot upon its territory becomes free. The slave traffic may not be engaged in by Chileans. The alien who does so cannot live in Chile nor be naturalized in the Republic.

2nd. Practice of all beliefs, liberty of conscience and the free exercise of all religions that may not be contrary to morality, to good usage, or to public order; therefore, the respective religious bodies have the right to erect and maintain houses of worship and their dependencies under the conditions of security and hygiene fixed by the laws and regulations.

The churches, creeds, and religious institutions of whatever faith shall have those rights in respect to their property as the laws now in force may grant and recognize; but they will be subject, within the guarantees of this Constitution, to the common law in the exercise of ownership of their future acquired property.

Churches and their dependencies, intended for the service of any sect, are exempt from taxation.

3rd. Freedom to express their opinions without previous censorship, by

word or in writing, through the medium of the press or in any other form, without prejudice to the liability of answering for offenses and abuses that may be committed in the exercise of this liberty, in the form and in the cases determined by law.

4th. The right of uniting without previous permission and without arms. In plazas, streets, and other places of public use, assemblies will be governed by the general police regulations.

5th. The right of association without previous permission and in conformity with the law.

6th. The right of presenting petitions to the constituted authority upon any matter of public or private interest, without other limitation than that of using respectful and suitable language.

7th. Freedom of instruction.

Public education is preferentially an affair of the State.

Primary education is obligatory.

There shall be a superintendency of public education in the charge of which will be the inspection of national instruction and its direction, under the authority of the Government.

8th. Admission to all public employments and offices without other conditions than those imposed by the law.

9th. The equal apportionment of imposts and taxes in proportion to property, or in graduation or form as fixed by law; and the equal apportionment of other public charges.

Direct or indirect taxes may be imposed only by law, and without its special authorization every authority of the State and every individual is prohibited from imposing them, even though it be under pretext of urgency, of being in voluntary form, or of any other nature.

No kind of personal service or contribution may be exacted except by virtue of a decree by a competent authority founded upon a law that authorizes the said exaction.

No armed body may make requisitions or exact any kind of aid except through the civil authority and by decree of the latter.

A special law will determine the means for recruitment and reemplacement of the sea and land forces.

All Chileans in condition to bear arms shall be inscribed in the military registers unless they are especially exempted by law.

10th. Inviolability of all property, without any distinction.

No one may be deprived of property under his control, or of any part thereof, or of the right he may have to it, except by virtue of a judicial decree or of an expropriation by reason of public interest, conformable to a law. In this case, indemnification, as may be agreed on, or as may be fixed by a corresponding judicial sentence, shall be paid the owner previously.

The exercise of the right of property is subject to the limitations or rules

that the maintenance and advancement of the social order demand, and, in this sense, the law may impose obligations or servitudes for public benefit in favor of the general interests of the State, of the health of the citizens, and of the public welfare.

11th. Exclusive property in every discovery or production, for the time that the law may concede. If the law shall exact expropriation, the author or inventor shall be given suitable indemnification.

12th. Inviolability of the home.

The house of any person living in Chilean territory may be forcibly entered only for a special purpose, determined by law, and by virtue of an order from a competent authority.

13th. Inviolability of epistolary and telegraphic correspondence. Documents or public securities shall not be opened, intercepted, or examined, except in the cases expressly designated by the law.

14th. Protection of labor, industry, and the works of social welfare, especially as referring to sanitary dwellings and economic conditions of living, in a form to give to each inhabitant a minimum of well-being adequate for the satisfaction of his personal necessities and those of his family. The law will regulate this operation.

The State shall incline toward the suitable division of estates and the creation of family holdings.

No kind of labor or industry may be prohibited unless it is contrary to good usage, the public security, or public health, or as the national interest may demand and a law so declare.

It is the duty of the State to care for the public health and hygienic welfare of the country. It must provide each year an amount of money sufficient to maintain a national health service, and

15th. The liberty to dwell at any point in the Republic, to remove from one place to another, or to leave the territory, under the condition that police regulations be observed, and excepting always injury to a third party; otherwise, no one may be detained, prosecuted, arrested, or deported except in the manner determined by the laws.

ART. 11. No one may be sentenced unless he is legally tried and by virtue of a law promulgated prior to the act upon which the sentence rests.

ART. 12. No one may be tried by special commissions, nor otherwise than by the tribunal the law appoints and has previously constituted.

ART. 13. No one may be arrested except by the order of a public official expressly empowered by law, and after such order has been made known to him, in legal form; unless he is surprised *in flagrante delicto*, and in this same case for the sole purpose of being conducted before the proper judge.

ART. 14. No one may be arrested, subjected to preventive detention, or imprisoned except in his house or in public places intended for this purpose.

Those in charge of prisons cannot receive in them anyone in the character of arrested, indicted, or imprisoned persons without transcribing in their registers the corresponding order, issued by an authority having legal power. They may, nevertheless, receive within the precincts of the prison for detention those brought for the purpose of being presented before the proper judge, but with the obligation of giving an account to the latter within twenty-four hours.

ART. 15. In case an authority orders the arrest of any person, he must, within the forty-eight hours following, give a report to the proper judge, placing at his disposal the person detained.

ART. 16. Every individual who may be arrested, indicted, or imprisoned in violation of the provisions of the foregoing articles may apply, for himself or by anyone in his name, to the judicial authority designated by law, demanding that the legal formalities be observed. This judicial authority shall decree that the individual be brought to his presence and his decree shall be exactly obeyed by all those having charge of prisons and places of detention. Informed of the antecedents, he shall declare his immediate liberty, or cause the legal defects to be corrected, or place the individual at the disposition of the proper judge; in all, proceeding briefly and summarily, himself correcting the defects or pointing them out to whomever it falls to correct them.

ART. 17. No order of incommunication shall prevent the official in charge of a house of detention from visiting the detained, indicted, or imprisoned person who is located in it.

This official is obliged, provided that the person arrested so requires, to transmit to the proper judge a copy of the order of arrest, or make demand that he be given said copy, or himself give a certificate that such a person is arrested, if, at the time of his arrest, this requirement was omitted.

ART. 18. The accused person shall not be obliged in criminal cases to testify under oath about his own actions, nor may his ascendants, descendants, spouse, or relatives within the third degree of consanguinity or the second of affinity, inclusive, be obliged so to testify.

Torture shall not be applied, nor in any case may the penalty of confiscation of property be imposed, except forfeiture in the cases established by law.

ART. 19. One who is not answerable for an offense to which the law attaches corporal punishment shall not be detained or subjected to preventive imprisonment if he is sufficiently bonded personally, or in indemnification of the action, in the form and according to the nature of the cases determined by law.

ART. 20. Every person, in favor of whom sentence of acquittal is rendered or prosecution finally abated, shall have the right to indemnification in the form determined by law, for the pecuniary or merely moral injuries that he may have unjustly suffered.

ART. 21. The treasuries of the State shall not make any payment except

by virtue of a decree issued by a competent authority in which shall be set forth the law or the part of the budget that authorizes said payment.

An autonomous organ with the name of the office of the Comptroller General of the Republic shall supervise the income and expenditure of the funds of the treasury, of the municipalities, of the public charity organizations, and of the other services that the laws specify; it shall examine and pass on the accounts of persons who have in their charge property of these entities, it shall carry on the general accounting of the Nation, and shall discharge the other functions that the law entrusts to it. The accounts of the national Congress, which shall be passed on in accordance with its by-laws, are excepted from this provision.

The office of the Comptroller may not carry out decrees that exceed the limit indicated in No. 10 of Article 72 of the Constitution, and it shall remit a complete copy of the antecedents to the Chamber of Deputies.

It shall also send to the same Chamber a copy of the decrees, of which it makes a memorandum, and which are issued with the signatures of all of the Ministers of State, in conformity with what is provided in the rule cited in the preceding clause.

ART. 22. The public forces are essentially obedient. No armed body may deliberate.

ART. 23. Every decision that the President of the Republic, the Chamber of Deputies, the Senate, or the tribunals of justice may agree to in the presence or on demand of an army, an officer at the head of an armed force, or of any assembly of people, with or without arms, and in disobedience of the authorities, is null in law and cannot produce any effect.

CHAPTER IV

The National Congress

ART. 24. The national Congress is composed of two branches; the Chamber of Deputies and the Senate.

ART. 25. In elections of Deputies and Senators a procedure shall be employed that, in practice, will result in giving an effective proportionality in the representation of opinions and of the political parties.

ART. 26. Determination of the elections of Deputies and Senators and cognizance of nullification protests that may be brought against them belong to the qualification tribunal.

But both the Chamber of Deputies and the Senate have the exclusive power to pass upon the disqualification of their members and to accept their resignations if the causes upon which they are founded are of such a nature as to unfit them physically or morally for the discharge of their offices. In order to accept a resignation, two-thirds of the Deputies or Senators present must concur.

ART. 27. To be elected Deputy or Senator it is necessary to have the requisites of citizenship with the right of suffrage and never to have been sentenced for an offense punishable corporally.

Senators, in addition, must have attained thirty-five years of age.

ART. 28. The following may not be elected Deputies or Senators:

1st. Ministers of State.

2nd. Intendants and governors.

3rd. Magistrates of the superior tribunals of justice, scholastic judges, and officials of the Public Ministry, and

4th. Natural persons and the agents or administrators of juridical persons or companies who may have contracts with the State, or are sureties for the same.

ART. 29. The offices of Deputies and Senators are incompatible with each other and with those of representatives and municipal councilors. They are likewise incompatible with every public employment paid from Government or municipal funds and with every service or commission of the same kind, with the exception of employments, services, or commissions of higher, secondary, and special education, located in the city in which the Congress holds its sessions.

The person elected must choose between the office of Deputy or Senator and another office, employment, service, or commission that he may be discharging, within fifteen days, if he is within the territory of the Republic, and within 100 days if he is absent therefrom. These periods shall be counted from the approval of the election. In default of a choice declared within the period, the person elected shall cease holding his office of Deputy or Senator.

ART. 30. No Deputy or Senator, from the moment of his election and until six months after termination of his office, shall be named for any service, commission, or public employment paid from Government or municipal funds.

This provision does not control in case of foreign war, nor is it to be applied to the office of President of the Republic, Ministers of State, and diplomatic agents; but only those offices conferred in a state of war are compatible with the functions of Deputy or Senator.

ART. 31. The Deputy or Senator who absents himself from the country for more than thirty days without permission of the Chamber to which he belongs, or, in its recess, of its president, shall cease from holding his office. Special laws alone can authorize an absence of more than a year.

Likewise, the Deputy or Senator shall cease from holding his office who, during its exercise, enters into or becomes surety for contracts with the State; and one who acts as counsel or attorney in any kind of proceeding pending against the treasury, or as solicitor or agent in private negotiations of administrative character.

ART. 32. Deputies and Senators are inviolable for the opinions they may express and the votes they may cast in the discharge of their offices.

ART. 33. No Deputy or Senator, from the day of his election, may be indicted, prosecuted, or arrested except in a case *in flagrante delicto*, unless the court of appeals of the respective jurisdiction, in full session, has previously authorized the indictment by declaring that there exist grounds for prosecution. An appeal may be taken from this decision to the Supreme Court.

ART. 34. In case of any Deputy or Senator being arrested *in flagrante delicto* he shall be immediately placed at the disposition of the respective court of appeals with the summary information. The court will then proceed conformably to the provisions of the preceding article.

ART. 35. From the moment in which it is declared, by a signed decision, that there exist grounds for prosecution, the accused Deputy or Senator becomes suspended from his office and at the disposal of the competent judge.

ART. 36. If the Deputy or Senator dies, or ceases for any cause, before the last year of his term, to belong to the Chamber of Deputies or to the Senate, his replacement shall be proceeded with in the form as determined by the law of elections, for the period that remains of his term.

A Deputy or Senator who accepts the office of Minister of State must be replaced within thirty days.

The Chamber of Deputies

ART. 37. The Chamber of Deputies is composed of members elected by the departments, or by groups of adjoining departments within each Province, as established by law, by direct vote and in the form determined by the law of elections.

One Deputy shall be elected for each 30,000 inhabitants and for a fraction of not less than 15,000.

ART. 38. The Chamber of Deputies shall be renewed in its totality every four years.

ART. 39. Exclusive attributes of the Chamber of Deputies are:

1st. To declare whether or not there are grounds for the accusations that at least ten of its members may formulate against the following officials:

I. The President of the Republic, for acts of his administration by which the honor or the security of the State may be gravely compromised, or the Constitution or the laws openly infringed. The accusation may be introduced while the President is in office and in the six months following the expiration of his term. During this latter period he cannot absent himself from the Republic without the agreement of the Chamber.

II. The Ministers of State, for the offenses of treason, extortion, misappropriation of public funds, bribery, infraction of the Constitution, disregard of the laws in having failed to cause their execution, and for having gravely compromised the security or the honor of the Nation. These accusations may

be introduced while the Minister is in office and in the three months following the expiration of his term. During this latter period he cannot absent himself from the Republic without permission of the Chamber, or, in its recess, of its president.

III. The magistrates of the superior tribunals of justice and the Comptroller General of the Republic for flagrant neglect of their duties.

IV. The generals or admirals of the armed forces for having compromised gravely the security or the honor of the Nation, and

V. Intendants and governors for the offenses of treason, sedition, infraction of the Constitution, misappropriation of public funds, and extortion.

In all of these cases, the Chamber, after having heard the accused and the report of a committee of five Deputies chosen by lot, excluding the accusers, shall declare within the period of ten days whether or not there are grounds for prosecution. This report must be presented within the period of six days, after which the Chamber shall proceed without it. If it declares affirmatively, the Chamber will name three Deputies to formulate the declaration and prosecute it before the Senate. If the accused does not attend the session to which he is cited, or does not send a written defense, the Chamber may renew the citation or proceed without his defense.

In order to declare that there are grounds for prosecution in the case of Letter (a) [i.e., I, above] the vote of the majority of the active Deputies shall be necessary.

In other cases the accused will be suspended from office from the moment in which the Chamber declares that there are grounds for prosecution. The suspension will cease if the Senate dismisses the accusation or does not pronounce upon it within the thirty days following, and

2nd. To scrutinize the acts of the Government. In order to exercise this attribute, the Chamber may, with the vote of a majority of the Deputies present, adopt resolutions or make suggestions which shall be transmitted in writing to the President of the Republic. The resolutions or suggestions shall not affect the political responsibility of the Ministers and will be answered in writing by the President of the Republic or verbally by the appropriate Minister.

The Senate

ART. 40. The Senate is composed of members elected by direct ballot for the nine provincial groups, as fixed by law, with regard to the characteristics and interests of the several regions of the territory of the Republic. Each group is entitled to elect five Senators.

ART. 41. The Senate will be renewed every four years, by parts, in the form determined by law. Each Senator will remain eight years in office.

ART. 42. Exclusive attributes of the Senate are:

1st. To take cognizance of accusations that the Chamber of Deputies may

present, in accordance with Article 39, after a prior hearing of the accused. If the latter does not attend the session to which he is cited, or does not send a written defense, the Senate may renew the citation or proceed without his defense.

The Senate will act as a jury and be limited to declaring whether the accused is or is not guilty of the offense or abuse of power charged against him.

The declaration of guilt must be pronounced by a two-thirds part of the Senators entitled to vote, when it deals with an accusation against the President of the Republic, and by a majority of the Senators entitled to vote, in other cases.

The accused becomes deprived of his office through the declaration of guilt.

The official declared guilty will be tried in accordance with the laws of the ordinary tribunal having jurisdiction, both for the application of the penalty prescribed for the offense committed and also to fix the civil responsibility for losses and injuries caused to the State or to private persons.

2nd. To decide whether or not there are grounds for the admission of accusations that any private individual may present against the Ministers on account of injuries he may have suffered unjustly from any act of theirs, following the same procedure as in the foregoing number.

3rd. To declare whether or not there are grounds for prosecution in criminal matters, against intendants and governors. The case in which the accusation is initiated by the Chamber of Deputies is expected therefrom.

4th. To take cognizance of conflicts in jurisdiction that may arise between the political or administrative authorities and the superior tribunals of justice.

5th. To grant the rehabilitation referred to in Article 9.

6th. To give or refuse its consent to the acts of the President of the Republic in cases in which the Constitution or the law may so require.

If the Senate shall not pass upon the matter within thirty days after a plea of urgency by the President of the Republic, its consent shall be taken for granted, and

7th. To render an opinion to the President of the Republic in all cases in which he may consult it.

Powers of the Congress

ART. 43. Exclusive powers of the Congress are:

1st. To approve or disapprove annually the statement of disbursement of funds intended for the expenses of public administration, that the Government must present.

2nd. To give its consent for the President of the Republic to leave the national territory.

3rd. To declare, when the President of the Republic tenders his resignation

from office, whether or not the causes upon which he bases it do or do not make it impossible for him to exercise the office, and, in consequence, whether to accept or to refuse the resignation.

4th. To declare, when there may be occasion for doubts, whether the disability that debars the President from the exercise of his functions is of such a nature that a new election should be held, and

5th. To approve or disapprove treaties that, before their ratification, the President of the Republic shall present to it.

All of these resolutions shall have the same procedure in the Congress as a law.

ART. 44. Only by virtue of a law is it possible:

1st. To impose taxes of any kind or nature, to repeal those existing, to fix their apportionment in necessary cases among the Provinces or communes, and to determine their proportionality or progression.

2nd. To authorize the contracting of loans, or of any other kind of operations that may affect the credit and financial responsibility of the State.

3rd. To authorize the alienation of the property of the State or the municipalities, or its lease or concession for more than twenty years.

4th. To approve annually the estimate of receipts and in the same law to fix the expenditures of the public administration. The budget law shall not alter expenditures or taxation prescribed in general or special laws. Only variable expenditures may be modified by it, but the initiative for increases or for altering the estimate of receipts belongs exclusively to the President of the Republic. The bill for the budget law must be presented to the Congress four months in advance of the date on which it should begin to be operative, and if, at the expiration of this period, it has not been approved, the bill presented by the President of the Republic shall become effective. In case the proposed bill is not presented in time, the period of four months shall begin to be counted from the date of its presentation.

The Congress may not approve any new expenditure chargeable to the funds of the Nation without at the same time creating or indicating the sources of revenue necessary to provide for this expenditure.

5th. To create or abolish public employments, to determine or to modify their powers, to increase or diminish their salaries, to grant pensions, and to decree public honors to those rendering distinguished services. Laws that grant pensions must be approved by a vote of two-thirds of the members present in each Chamber.

6th. To fix the remuneration that Deputies and Senators shall enjoy. The remuneration may not be changed during a legislative term except to take effect in the term following.

7th. To establish or to modify the political or the administrative division of the country; to equip the principal ports, and to establish customs houses.

8th. To prescribe the weight, fineness, value, type, and denomination of the coinage, and the system of weights and measures.

9th. To fix the land and sea forces which should be maintained in time of peace and of war.

10th. To permit the entry of foreign troops into the territory of the Republic, with a limitation of the time of their stay in it.

11th. To permit the departure of national troops from the territory of the Republic, prescribing the time of their return.

12th. To approve or disapprove a declaration of war on the proposal of the President of the Republic.

13th. To restrict personal liberty and that of the press, or to suspend or restrict the exercise of the right of assembly, when the supreme necessity of the defense of the State, preservation of the constitutional regime, or internal peace may so demand, and only for periods that cannot exceed six months. If these laws prescribe penalties, their application shall always be made by the established tribunals. Aside from the cases prescribed in this number, no law shall be enacted to suspend or restrict the liberties or rights that the Constitution insures.

14th. To grant general pardons and amnesties, and

15th. To select the city in which the President of the Republic must reside, the sessions of the national Congress be held, and the Supreme Court function.

Enactment of the Laws

ART. 45. Laws may have their origin in the Chamber of Deputies or in the Senate, by a message directed from the President of the Republic, or by motion of any of their members. The motions may not be signed by more than ten Deputies or more than five Senators.

Amendments to sections or items of the general budget law may be proposed only by the President of the Republic.

The President of the Republic shall have the power, likewise, to alter the political or administrative division of the country, to create new remunerated public services or employments, and to grant or increase salaries or rewards for the personnel of the public administration, of the financial enterprises, and of semi-financial institutions. Only the national Congress may accept, decrease, or reject the services, employments, emoluments, or increases that are proposed. This provision shall not apply to the national Congress or to the services that are dependent upon it.

Laws of any nature whatever on taxation, on the budgets of the public administration, and on recruiting shall have their origin only in the Chamber of Deputies.

Laws on amnesty and on general pardons shall have their origin only in the Senate.

ART. 46. The President of the Republic may declare urgency in the sub-

mission of a bill, and in such case the respective Chamber must pass upon the matter within the period of thirty days.

The declaration of urgency may be repeated in all constitutional steps of procedure on the proposal.

ART. 47. A bill that is rejected in the Chamber of its origin may not be reintroduced except after one year.

ART. 48. A bill approved in the Chamber of its origin shall pass immediately to the other Chamber for its discussion.

ART. 49. A bill that is rejected in its totality by the revising Chamber shall return to that of its origin where it will be taken in consideration anew, and, if it is approved therein by a two-thirds part of the members present, it shall pass for a second time to the Chamber that rejected it. It will be understood that the latter disapproves it if two-thirds of the members present so agree.

ART. 50. A bill that may be enlarged or amended by the revising Chamber will return to that of its origin; and, in the latter, it will be understood that, with the vote of the majority of members present, the additions or amendments are approved.

But if the additions or amendments are disapproved, the bill will return a second time to the revising Chamber where, if the additions or amendments are approved anew by a majority of two-thirds of the members present, the proposal will return to the other Chamber. It will be understood that the latter disapproves the additions or amendments if two-thirds of the members present so agree.

ART. 51. When, on account of insistency, accord between the two Chambers on fundamental points of a bill is not reached, or when one substantially modifies a bill of the other, mixed committees of an equal number of Deputies and Senators may be designated in order to propose a form and method of resolving the difficulties that have arisen.

ART. 52. A bill approved by both Chambers will be remitted to the President of the Republic who, if he also approves, will cause its promulgation as a law.

ART. 53. If the President of the Republic disapproves the bill, he will return it to the Chamber of its origin, with suitable suggestions, within the period of thirty days.

ART. 54. If the two Chambers approve the suggestions, the bill shall have the force of law and be returned to the President for promulgation.

If the two Chambers reject all or any of the suggestions and insist, by two-thirds of the members present, on all or part of the bill approved by them, it shall be returned to the President for his promulgation.

ART. 55. If the President of the Republic should not return the bill within thirty days, counting from the date of its remission, it will be understood that he approves it and will promulgate it as law. If the Congress should close its sessions before the thirty days in which to make the return shall have expired,

the President will make it within the first ten days of the following regular or extraordinary legislative term.

Sessions of the Congress

ART. 56. The Congress will open its regular sessions on May 21st and close them on September 18th of each year.

At the opening of each regular legislative session, the President of the Republic shall give an account to the Congress in joint session of the administrative and political state of the Nation.

ART. 57. The Congress will hold extraordinary sessions when convoked by the President of the Republic, and when convoked by the president of the Senate at the written request of a majority of the members of the Chamber of Deputies or of the Senate.

When convoked by the President of the Republic, it cannot occupy itself with any other legislative matters than those mentioned in the call; but proposals of constitutional reform may be introduced, discussed, and voted on, although they do not appear in the call.

When convoked by the president of the Senate, it may occupy itself with any matters within its competence.

ART. 58. The Chamber of Deputies shall not enter into session, or adopt resolutions, without the attendance of one-fifth of its members, or the Senate without the attendance of one-fourth of its members.

Each one of the Chambers will provide in its internal regulations for closure of debate by simple majority.

ART. 59. The Chamber of Deputies and the Senate will open and close their regular and extraordinary legislative terms at the same time. Nevertheless, they may function separately for matters within their exclusive competence, in which case the call will be issued by the president of the respective Chamber.

CHAPTER V

The President of the Republic

ART. 60. A citizen with the title of President of the Republic of Chile administers the State and is the supreme chief of the Nation.

ART. 61. To be elected President of the Republic it is necessary to have been born in the territory of Chile, to be at least thirty years of age, and to possess the qualifications necessary to be a member of the Chamber of Deputies.

ART. 62. The President of the Republic will remain in the exercise of his functions for the term of six years, and may not be re-elected for the following term.

ART. 63. The President shall be elected by the direct vote of all of the citizens of the Republic having the right of suffrage, sixty days before the date

on which the term of the incumbent should expire, and in the form determined by law.

Cognizance of complaints that may occur in respect to the voting, rectifications, and general scrutiny of the election belongs to the qualification tribunal.

ART. 64. The two branches of the Congress, convened in public session, fifty days after the balloting, a majority of the total of their members being present and under the direction of the president of the Senate, shall take cognizance of the general scrutiny made by the qualification tribunal and will proceed to proclaim President of the Republic the citizen who has obtained more than half of the validly cast votes.

If the scrutiny does not show this majority, the full Congress shall elect from among the citizens who may have received the highest two relative numbers of votes; but if two or more citizens shall have obtained a tie in the highest relative number, the election shall be made only as between them.

If, on the day indicated in this article, a majority of the total of the members of the Congress does not assemble, the session shall be held on the day following, with the Deputies and Senators who may attend.

ART. 65. The election to be made by the full Congress shall be made by more than half of the votes, by secret ballot.

If, on taking the first ballot, this absolute majority does not result, they shall vote for a second time, and then the balloting shall be limited to the two persons who on the first ballot obtained the greatest number of votes, and the blank ballots shall be added to those of the one who may then obtain the largest plurality.

In case of a tie, they shall vote for a third time, in the same manner, on the day following.

If this results again in a tie the president of the Senate shall at once make the decision.

ART. 66. When the President of the Republic personally commands the armed forces, or when, from illness, absence from the territory of the Republic, or for any other weighty reason, he cannot exercise his office, the Minister, whom the order of precedence fixed by law may designate, shall substitute for him, with the title of Vice-President of the Republic. In default of such, the Minister who follows in that order of precedence, and in default of all of the Ministers, the president of the Senate, the president of the Chamber of Deputies, or the president of the Supreme Court, successively, shall substitute for the President.

In the cases of death, declaration of there being cause for resignation, or other kind of absolute disability, or which cannot be ended before the completion of the time remaining of the constitutional term, the Vice-President in the first ten days of his Government shall issue the appropriate orders to proceed, within the period of sixty days, to a new election of President in the form prescribed by the Constitution and by the law of elections.

ART. 67. The President may not leave the territory of the Republic during the time of his incumbency, without the consent of the Congress.

ART. 68. The President shall vacate office on the same day on which are completed the six years for which the exercise of his powers last, and the person newly elected will succeed him.

ART. 69. If the President-elect finds himself prevented from taking possession of the office he shall be substituted for, meanwhile, with the title of Vice-President of the Republic, by the president of the Senate, and, in default of the latter, by the president of the Chamber of Deputies, and, in his default, by the president of the Supreme Court.

But if the impediment of the President-elect is permanent or appears as if it would continue indefinitely or for a longer period than that prescribed for the exercise of the presidency, the Vice-President, in the ten days following the declaration that the Congress must make, shall issue the proper orders to proceed, within the period of sixty days, to a new election in the form prescribed by the Constitution and by the law of elections.

ART. 70. The President-elect, on taking possession of the office in the presence of both branches of the Congress, shall make oath or promise before the president of the Senate faithfully to discharge the office of President of the Republic, to preserve the integrity and independence of the Nation, and to observe and cause to be observed the Constitution and the laws.

ART. 71. The administration and government of the State is confided to the President of the Republic, and his authority is extended to all that has for its object the preservation of public order in the interior and the external security of the Republic, in accordance with the Constitution and the laws.

ART. 72. Special powers of the President are:

1st. To concur in the making of the laws according to the Constitution, to approve, and to promulgate the same.

2nd. To issue the regulations, decrees, and instructions that he may deem appropriate for the execution of the laws.

3rd. To prorogue the regular sessions of the Congress and to convoke extraordinary sessions.

4th. To watch over the ministerial conduct of the judges and other employees of the Judiciary, and for this purpose to request the Supreme Court that, if conformable, it may determine the fact of their bad conduct, or to request the Public Ministry that it institute disciplinary measures before the competent tribunal, or that, if there are sufficient grounds, it file the appropriate accusation.

5th. To appoint at will the Ministers of State, officials of their ministries, diplomatic agents, intendants, and governors.

Appointment of diplomatic ambassadors and ministers shall be submitted to the approval of the Senate, but they and other officials mentioned in the present number are within the exclusive confidence of the President of the

Republic and are to be kept in their positions while they enjoy said confidence.

6th. To appoint the magistrates of the superior tribunals of justice and the scholastic judges.

7th. To provide the other civil and military employees that the laws may determine, conformably to the administrative statute, and to confer, with the approval of the Senate, the offices or ranks of colonel, captain of the navy, and other superior officers of the army and navy. On the field of battle he may confer these superior offices by himself.

8th. To dismiss employees of his own designation for incompetence or other cause that may render them prejudicial or not useful to the service, with the approval of the Senate if they are chiefs of bureaus or superior employees, and, if they are subordinate employees, in conformity with the organic laws of each service.

9th. To grant pensions, retirement pay, and gratuity funds according to the laws.

10th. To care for the collection of the public revenues and to decree their expenditure in accordance with the law. The President of the Republic, with the signatures of all of the Ministers of State, may decree payments not authorized by law, only in order to take care of unpostponable needs derived from public calamities, foreign aggression, internal disturbance, or the exhaustion of the means intended to maintain services which cannot be interrupted without grave injury to the country. The total of the payments that may be made for these purposes may not exceed annually two per cent of the amount of the expenditures that the general budget law authorizes. Employees may be retained under the same law but the respective budget items may be neither increased nor diminished by means of assignments. The Ministers of State or the officials who may authorize or carry out expenditures that may violate what is provided in this clause shall be jointly and personally responsible for their restitution and liable for the crime of malversation of public funds.

11th. To grant juridical personality to private corporations and to cancel the same; to approve the by-laws by which they are governed, to reject the same, and to accept modifications.

12th. To grant private pardons. Officials accused by the Chamber of Deputies and tried by the Senate may be pardoned only by the Congress.

13th. To dispose of the sea and land forces, to organize and distribute them as he may find convenient.

14th. To command personally the sea and land forces with the approval of the Senate. In this case, the President of the Republic may reside at any place occupied by Chilean arms.

15th. To declare war, with the prior authorization of the law.

16th. To maintain political relations with foreign powers, receive their agents, admit their consuls, conduct negotiations, make preliminary stipula-

tions, conclude and sign all treaties of peace, of alliance, of truce, of neutrality, of commerce, concordats, and other conventions. Treaties, before their ratification, must be presented for the approval of the Congress. The discussion and deliberations on these matters shall be secret if the President of the Republic so demands, and

17th. To declare in a state of assembly one or more Provinces invaded or menaced in case of foreign war, and in a state of siege one or various points of the Republic in case of foreign attack.

In case of internal disturbance, the declaration of one or more places being in a state of siege belongs to the Congress, but if the latter is not in session the President may make it for a determined period. If, on the meeting of the Congress, the period indicated has not expired, the declaration made by the President of the Republic shall be understood as a proposal of law.

By the declaration of a state of siege there is conceded to the President of the Republic only the authority to transfer persons from one department to another and to confine them in their own houses, or in places other than jails, or intended for the confinement or imprisonment of ordinary criminals.

Measures taken on account of the state of siege shall have no greater duration than the latter, but the constitutional guarantees granted to Deputies and Senators shall not be infringed.

Ministers of State

ART. 73. The number of Ministers and their respective departments shall be determined by law.

ART. 74. In order to be named a Minister, the qualifications required to be a Deputy are necessary.

ART. 75. All orders of the President of the Republic must be signed by the Minister of the respective department, and are not to be obeyed if without this essential requisite.

ART. 76. Every Minister shall be personally responsible for the acts he signs, and collectively for those he may subscribe or agree to with other Ministers.

ART. 77. As soon as the Congress shall open its regular sessions, the Ministers must give an account to the President of the Republic of the state of the Nation in regard to the business of the department that each one has under his charge, in order that the President may in turn submit the same to the Congress.

For the same purpose they are obliged to present to him the annual budget of the expenditures that should be made in their respective departments, and to give an account to him of the disbursement of the sums decreed to meet the expenses of the preceding year.

ART. 78. The Ministers may, when they deem it expedient, attend the

sessions of the Chamber of Deputies or of the Senate and take part in the debates, with preference in speaking, but without the right to vote.

CHAPTER VI

The Electoral Qualifications Tribunal

ART. 79. A special tribunal to be called the qualifications tribunal shall have cognizance of the election returns for the President of the Republic, Deputies, and Senators.

This tribunal will proceed as a jury in the determination of facts and will give judgment in accordance with the law.

Its membership shall be five, and they are to be renewed every four years, at least fifteen days prior to the date of the first election they must judge.

The same tribunal will judge all the elections that occur during the four years.

The five members of the qualifications tribunal shall be chosen by lot from among the following persons:

One from among the individuals who have discharged the offices of president or vice-president of the Chamber of Deputies for more than one year.

One from among the individuals who have discharged the offices of president or vice-president of the Senate for a like period.

Two from among the individuals who discharge the offices of Ministers of the Supreme Court, and

One from among the individuals who discharge the offices of the ministers of the court of appeals in the city where the Congress holds its sessions.

The law will regulate the organization and procedure of the qualifications tribunal.

CHAPTER VII

The Judiciary

ART. 80. The power to judge civil and criminal cases belongs exclusively to the tribunals established by the law. Neither the President of the Republic nor the Congress may, in any case, exercise judicial functions, remove pending cases from one court to another, or revive concluded proceedings.

ART. 81. A special law will determine the organization and powers of the tribunals that may be necessary for the speedy and complete administration of justice in all of the territory of the Republic.

Only by virtue of a law may a change be made in the powers of the tribunals or in the number of their members.

ART. 82. The law will determine the qualifications that the judges respectively must have and the number of years during which persons appointed ministers of the courts or scholastic judges must have practiced the profession of attorney.

ART. 83. In respect to the appointment of judges, the law will be adjusted to the following general principles:

Ministers and attorneys of the Supreme Court will be chosen by the President of the Republic from a list of five individuals proposed by the Court itself. The two members of the court of appeals, oldest in service, shall occupy places on the list. The other three places will be filled in accordance with the merits of the candidates; persons outside the administration of justice may figure in the list.

Ministers and attorneys of the court of appeals shall be designated by the President of the Republic from a list of three proposed by the Supreme Court, and

Scholastic judges shall be designated by the President of the Republic from a list of three proposed by the court of appeals of the respective jurisdiction. For the preparation of these panels there shall be opened a competitive examination at which the persons interested must present their diplomas and antecedents.

The scholastic judge longest on the bench of the court, or the scholastic judge longest in the position next below that to be filled, respectively, shall have a place in the corresponding panel. The other two places will be filled in accordance with the merits of the candidates.

ART. 84. Judges are personally responsible for the offenses of bribery, failure to observe the laws governing procedure, and, in general, for every betrayal of trust or tortuous administration of justice. The law will determine the cases and the method of making this responsibility effective.

ART. 85. The judges will remain in their offices during good behavior, but inferior judges discharge their respective judgeships for the time that the law may determine.

Judges, whether of limited or unlimited tenure, may be deprived of their positions for cause legally determined.

Nevertheless, the President of the Republic, on the proposal or with the consent of the Supreme Court, may authorize exchanges or order the transfer of judges from one post to another of equal rank.

In any case, the Supreme Court, upon demand of the President of the Republic at the solicitation of the interested party, or *ex officio*, may declare that judges have not been of good behavior, and upon prior statement from the accused and from the court of appeals, respectively, with a two-thirds vote of its members, may agree to their removal from office. These decisions will be communicated to the President of the Republic for his compliance.

ART. 86. The Supreme Court has direct supervision, correctional and economic, over all the tribunals of the Nation in accordance with the law that determines its organization and powers.

The Supreme Court, in private cases under its cognizance, or which may have been submitted to it on appeal interposed in a case pending before an-

other tribunal, may declare inapplicable to that case any legal ruling contrary to the Constitution. This appeal may be taken at any stage of the case without suspending the proceedings.

It shall have cognizance also of disputes of competence, not under control of the Senate, that may arise between political or administrative authorities and the tribunals of justice.

ART. 87. There shall be administrative tribunals with permanent membership, to resolve complaints that may be interposed against arbitrary acts or measures of the political or administrative authorities and jurisdiction over which is not entrusted by the Constitution or the laws to any other tribunals. Their organization and powers are matters of law.

CHAPTER VIII

The Internal Government of the State

ART. 88. For the internal government of the State, the territory of the Republic is divided into Provinces, the Provinces into departments, the departments into sub-delegations, and the sub-delegations into districts.

Intendants

ART. 89. The chief governmental authority in each Province resides in an intendant who exercises it in conformity with the laws and with orders and instructions from the President of the Republic, of whom he is the customary and immediate agent. He shall continue for three years in his functions.

The intendant, within the Province under his charge, will have the supervision, as the representative of the President of the Republic, of all public works and services of the provincial territory.

Governors

ART. 90. The governmental authority in each department resides in a governor, subordinate to the intendant of the Province. He shall continue for three years in his functions.

The intendant of the Province is also governor of the department in the capital of which he resides.

The governors are appointed by the President of the Republic on the proposal of the respective intendants, and may be removed by the latter with the approval of the President of the Republic.

Sub-Delegates

ART. 91. The sub-delegations are governed by a sub-delegate, subordinate to the governor of the department and appointed by him. Sub-delegates shall continue one year in their office and may be removed by the governor, who will give an account to the intendant of the reasons therefor.

Inspectors

ART. 92. Districts are governed by an inspector, under the orders of the sub-delegate, who will appoint and remove them, on prior report to the governor of the reasons therefor.

CHAPTER IX

Internal Administrative Organization

ART. 93. The national territory is divided for internal administration into Provinces and the Provinces into communes.

There shall be in each Province the number of communes that the law may determine, and each communal territory will correspond to a complete sub-delegation.

The administrative division called "Province" will be equivalent to the political division of the same name, and the administrative division called "commune" will be equivalent to the political division called sub-delegation.

The law in creating new communes must always take care to establish the respective sub-delegations and to mark out for the former and for the latter the same limits.

Provincial Administration

ART. 94. The administration of each Province resides in the intendant, who will be advised, in the form that the law determines, by a provincial assembly of which he will be the president.

ART. 95. Each provincial assembly will be composed of representatives designated by the municipalities of the Province at their first session, by cumulative vote.

These offices are advisory and their duration shall be for three years.

The municipalities will designate the number of representatives that the law determines for each.

ART. 96. In order to be designated a representative it is necessary to have the same qualifications for being a Deputy, and, in addition, to have a residence of more than one year in the Province.

ART. 97. The provincial assemblies will meet in the capitals of the respective Provinces, and will designate annually, at their first session, by a majority of the members present, a person from their midst to discharge the office of vice-president of the assembly.

ART. 98. The provincial assemblies will hold sessions with a majority of their members at the time in office; they will have administrative powers and will dispose of the revenues that the law may determine, for which it may authorize them to impose specified taxes for local benefit.

They may be dissolved by the President of the Republic with the approval of the Senate.

When a provincial assembly is dissolved, the replacement of its members for the time lacking to complete the term shall be proceeded with in the form indicated in Article 95.

ART. 99. The provincial assemblies must annually make known to the President of the Republic, through the intermediation of the intendant, the needs of the Province and indicate the amounts necessary to meet them.

ART. 100. Ordinances or resolutions that a provincial assembly may enact must be brought to the attention of the intendant who, within ten days, may suspend their execution if he deems them contrary to the Constitution or the laws, or prejudicial to the interests of the Province or of the State.

The ordinances or resolutions suspended by the intendant will be returned to be considered by the provincial assembly.

If the latter insists on its previous action, by a vote of two-thirds of the members present, the intendant shall order the same to be promulgated and to take effect.

But when the suspension is founded on the grounds that the ordinance or resolution is contrary to the Constitution or the laws, the intendant must submit the antecedents to the Supreme Court in order that it may rule definitively.

Communal Administration

ART. 101. The local administration of each commune or group of communes established by law resides in a municipality.

Each municipality, on being organized, will designate a mayor to preside over it and to execute its decisions.

In cities of more than 100,000 inhabitants, and in others that may be designated by law, the mayor will be appointed by the President of the Republic and may be remunerated. The President of the Republic may remove him with the approval of the respective provincial assembly.

ART. 102. The municipalities shall have the aldermen that the law may fix for each one of them. Their number will not be less than five or more than fifteen.

These offices are advisory and their duration is for three years.

ART. 103. To be elected alderman the same qualifications are required as for being a Deputy, and, in addition, to have a residence in the commune for more than one year.

ART. 104. The election of aldermen will be made by direct vote and in accordance with the special provisions prescribed by the law on organization and powers of the municipalities.

There shall be, for this purpose, special registers in each commune, and to be inscribed in them it is necessary to have attained the age of twenty-one years and to be able to read and write. Aliens are required in addition to have resided five years in the country.

Certification of the elections of aldermen, jurisdiction over protests of nullification that may occur concerning them, and the solution of the cases that may subsequently arise, belong to the authority that the law may determine.

ART. 105. The municipalities will hold sessions with a majority of the aldermen at the time in office; they will have the administrative attributes and disburse the revenues that the law may determine.

It is their special function:

1st. To take care of the policing of sanitation, public comfort, adornment, and recreation.

2nd. To promote education, agriculture, industry, and commerce.

3rd. To take care of primary schools and other educational services that may be supported by municipal funds.

4th. To take care of the construction and repair of the roads, walks, bridges, and all works of necessity, utility, and adornment paid for with municipal funds.

5th. To administer and disburse public property and taxes in conformity with the regulations enacted by law, and

6th. To enact municipal ordinances respecting these matters, without prejudice to the powers that the following article grants to the respective provincial assembly.

The law may impose on each municipality a quota proportional to its annual revenues as a contribution to the general expenditures of the Province.

The appointment of municipal employees will be made conformably to the statute that the law will establish.

ART. 106. Municipalities will be submitted to the correctional and economic supervision of the respective provincial assemblies, in accordance with the law.

The powers that Article 100 grants to the intendant in respect to the provincial assembly shall belong to the latter in respect to the municipalities of its jurisdiction.

Municipalities may be dissolved by the provincial assembly, by reason of grounds that the law may establish, on a vote of the majority of the representatives especially cited for this purpose, and without prejudice to the provisions of Article 100.

Administrative Decentralization

ART. 107. The law will, by degrees, confer on provincial or communal organizations the administrative attributes and powers at the present time exercised by other authorities, with the purpose of proceeding to the decentralization of the internal administrative organization.

* The general services of the Nation will be decentralized through the formation of the zones that the law may fix.

In any case, the supervision of the services of a Province belongs to the intendant, and the paramount oversight of the Provinces to the President of the Republic.

CHAPTER X

Amendment of the Constitution

ART. 108. The amendment of constitutional provisions will be submitted to the same procedure as a bill, save for the exceptions hereinafter indicated.

The proposal for amendment will need to be approved in each Chamber, the vote conforming to the majority of the Deputies or Senators then in office.

The two Chambers, united in public session, with the attendance of a majority of the total of their members, sixty days after the approval of a proposal in the form indicated in the preceding paragraph, will take the proposal into consideration and proceed to vote on it without further debate.

A proposal which is approved by the majority of the full Congress will pass to the President of the Republic.

If, on the day appointed, a majority of the total of the members of the Congress does not meet together, the session shall be held on the following day with the Deputies and Senators who may attend.

ART. 109. The proposal may be examined by the President of the Republic only to suggest modifications or corrections in the amendments agreed to by the full Congress.

If the modifications that the President of the Republic proposes are approved by both Chambers, the proposal will be returned to the President for its promulgation.

If the two Chambers reject all or any of the suggestions of the President of the Republic and insist, by two-thirds of the members present, on the whole or part of the proposal approved by them, it will be returned to the President for his promulgation; or, in order that, if he deems it advisable, he may consult the Nation, by means of a plebiscite, within the period of thirty days, on the points in disagreement. The proposal approved by the plebiscite will be promulgated as a constitutional amendment.

ART. 110. When the proposal is promulgated, its provisions shall form a part of the Constitution and be incorporated in it.

[September 18th, 1925]

Colombia



EARLY constitutional developments in Colombia offer a picture of considerable confusion. For many months after the outbreak of revolutionary activity on July 20, 1810, the pattern was one of open *cabildos*, revolutionary municipal juntas, a futile congress, and a "most serene constituent and electoral college." This last-mentioned body on March 30, 1811, signed a constitution for the "state of Cundinamarca," which was expansible to cover other portions of modern Colombia but which did not succeed in attracting them. There assembled at Bogotá in the latter months of 1811 a congress representing nine Colombian provinces, which body on November 27, 1811, signed a constitution for the "United Provinces of New Granada." The resulting government, ostensibly patterned after that of the United States, was in reality a confederation. Other provinces in addition to Cundinamarca subsequently adopted (and some later revised) their own constitutions.

Developments following several years of reassertion of Spanish authority took a different turn. Bolívar, the leader chiefly responsible for liberating northern South America, sponsored a congress at Angostura in Venezuela which met on February 15, 1819. The congress proclaimed the union of Colombia, Venezuela, and Ecuador, adopted several provisional decrees for the organization of various portions of the government, and considered but did not act upon a draft constitution largely of Bolívar's own inspiration. With Colombian independence militarily assured by August, 1819, the congress at Angostura enacted on December 17, 1819, a brief "fundamental law of the Republic of Colombia." This, as well as other documents of the same period, referred to what subsequent writers have come to call Great Colombia (Gran Colombia), a union of the three present states above mentioned, though that term was not contemporarily used. A similar brief "fundamental law" was issued by a congress at Cúcuta on July 12, 1821.

A formal constitution for the greater state was issued at Cúcuta on August 30, 1821; Bolívar promulgated it on October 6. This more full-fledged basic law, a Colombian authority stated, was "clear, concise, methodical, and practical, free of moralizing and philosophizing." The basis of governmental organization was unitary. Though the system worked well for a time, discontent crystallized in Venezuela in 1826 and subsequently in Colombia proper during a brief period of dictatorship by Bolívar. In the meantime a convention at Ocaña, convened in April, 1828, considered constitutional revision, but the competitive drafts presented differed both in principle and

in detail, and nothing could be accomplished. Bolívar as dictator issued on August 27, 1828, an "organic decree" to serve as a constitutional law for Colombia until 1830. A new assembly at Bogotá enacted another constitution for the greater state on April 29, 1830, and it was promulgated on May 5. It was hoped that union could be preserved, but the new law did not forestall Venezuelan secession, which was already almost an accomplished fact; Ecuador soon afterward followed suit.

A new constituent assembly met on October 20, 1831, and, on November 17, approved a fundamental law for "New Granada," the colonial name now being reassumed by Colombia proper. This brief document was anticipatory, and a more formal constitution was enacted on February 29, 1832, similar, on the whole, to the law of 1830. The second constitution of New Granada, dated April 20, 1843, was a Conservative party product, but it was not reactionary or retrogressive. Later, party ferment and the ultimate ascendancy of the Liberals led to a new constitution, dated May 20, 1853. This law paved the way for the establishment of a federal state and contained other innovations as well. The transition to a federal state was completed by a new constitution signed and promulgated on May 22, 1858. This law established the entity known for the following five years as the Granadine Confederation. Strictly speaking, however, the state was organized, despite the extreme degree of intentional decentralization, on a federal rather than a confederate basis.

Political disturbances led to a virtual civil war, one result of which was a new constitution, dated May 8, 1863, establishing the "United States of Colombia." This law continued Colombia on a federal basis; if anything, the pendulum swung farther in the direction of confederatism. Reaction did not come until the 1880's. A new constituent convention assembled on November 11, 1885, and on August 4, 1886, approved the present constitution, the result of many concessions and compromises. The new charter, now in effect for more than six decades, has been frequently and extensively amended, especially in 1905, 1910, 1936, and 1945. The latest series of amendments was followed by a general reorganization of the arrangement of articles in the constitution.

POLITICAL CONSTITUTION OF THE REPUBLIC OF COLOMBIA

In the name of God, supreme source of all authority, and with the purpose of guaranteeing the national unity and assuring the safety of justice, liberty, and peace, we have come together to decree, and we do decree, the following Political Constitution of Colombia.

TITLE I

Concerning the Nation and Its Territory

ARTICLE 1. The Colombian Nation is organized in the form of a unitary Republic.

ART. 2. Sovereignty resides essentially and exclusively in the Nation and from it emanate the public powers, which shall be exercised within the limits established by this Constitution.

ART. 3. The boundaries separating Colombia from the bordering Nations are the following: from Venezuela, those defined in the arbitral award pronounced by the Government of the King of Spain on March 16th, 1891; from Brazil, those defined in the treaties of April 24th, 1907, and November 15th, 1928; from Peru, those defined in the treaty of March 24th, 1922; from Ecuador, those defined in the treaty of July 15th, 1916; and from Panama, those defined in the treaty of August 20th, 1924.

In addition to the small and large islands, keys, headlands, and banks that belong in the limiting seas, the island of Malpelo and the archipelago of San Andrés and Providencia also form part of Colombia.

The lines separating the Republic from the bordering Nations may be changed only by virtue of public treaties, duly approved by the Congress.

ART. 4. The territory, together with the public property that forms a part of it, belongs exclusively to the Nation.

ART. 5. The national territory is divided into Departments, intendencies, and commissariats. The first are divided into municipalites or municipal districts.

The law may decree the formation of new Departments by dividing or not dividing existing entities, provided these conditions are fulfilled:

1st. That three-fourths of the council members of the territory that is to form the new Department make the request.

and. That the new Department has a population of at least 250,000 inhabitants and an annual revenue of 500,000 pesos; and

3rd. That each one of those that may be separated continues to have a

population of at least 250,000 inhabitants and an annual revenue of 500,000 pesos.

The law may separate territory from one Department to add it to one or more bordering Departments, taking into account the opinion of the inhabitants of the respective territory and the previous views of the governors of the interested Departments.

The law shall regulate everything related to this provision.

Doubtful dividing boundaries shall be determined by surveying commissions appointed by the Senate.

The intendencies and commissariats shall remain under the direct administration of the Government, and their administrative organization and special system shall be the function of the municipalities that compose them.

The law may create or suppress intendencies and commissariats, annex them wholly or partially to Departments, give them special statutes, and regulate their electoral and judicial organization and procedure of administrative litigation.

ART. 6. The law may transform the Intendency of Chocó into a Department, even though it may not have the number of inhabitants required by Clause 2 of Article 2 of Legislative Act No. 1 of 1936 [i.e., Article 5 of the Constitution], without affecting the territories of the Departments of Antioquia, Caldas, and Valle del Cauca.

ART. 7. Aside from the general division of the territory, there may be other divisions within the limits of each Department, for the regulation of public service.

Divisions relating to financial and military matters and to public instruction may not coincide with the general divisions.

TITLE II

Concerning the Inhabitants, Natives, and Aliens

ART. 8. Colombian nationals are:

1st. By birth:

I. Natives of Colombia, upon one of two conditions: that the father or mother were native or naturalized Colombians or that they are children of aliens who are domiciled in the Republic.

II. Children of Colombian father or mother who were born in a foreign country and afterward become domiciled in the Republic.

2nd. By adoption:

I. Aliens who have requested and obtained a letter of naturalization.

II. Spanish Americans and Brazilians by birth who, with the authorization of the Government, petition, before the municipality of the place where they are established, to be inscribed as Colombians.

ART. 9. The status of a Colombian national is lost by acquiring a letter of

naturalization in a foreign country, establishing a residence abroad, but it may be recovered in accordance with the law.

ART. 10. It is the duty of all nationals and aliens in Colombia to live in submission to the Constitution and the laws, and to respect and obey the authorities.

ART. 11. Aliens in Colombia shall enjoy the same civil rights that are conceded to Colombians, but the law may, for reasons of public order, subject aliens to special requirements or deny them the exercise of specified civil rights.

Aliens in the territory of the Republic shall also enjoy the guarantees conceded to nationals, except for the limitations established by the Constitution or the laws.

Political rights are reserved for nationals.

ART. 12. The status, the recognition, and, in general, the control of corporations and other juridical persons, shall be determined by Colombian laws.

ART. 13. A Colombian, although he has lost the status of nationality, shall, if taken with arms in his hands in war against Colombia, be tried and punished as a traitor.

Naturalized aliens and those domiciled in Colombia shall not be obliged to bear arms against the country of their origin.

ART. 14. Colombians more than twenty-one years of age are citizens.

Citizenship is lost, *de facto*, when nationality has been lost. It may also be lost, or suspended, by virtue of a judicial decision in the cases determined by law.

Those who have lost citizenship may request reinstatement.

ART. 15. The status of active citizenship is a prior indispensable condition for voting, being elected to office, and discharging public offices that carry authority or jurisdiction. Nevertheless, the function of voting and the capacity of being popularly elected are reserved to males.

TITLE III

Concerning Civil Rights and Social Guarantees

ART. 16. The authorities of the Republic are instituted to protect the lives, honor, and property of all persons residing in Colombia, and to insure fulfillment of the social duties of the State and of private persons.

ART. 17. Labor is a social obligation and shall enjoy the special protection of the State.

ART. 18. The right to strike, except in public services, is guaranteed. The law shall regulate its exercise.

ART. 19. Public relief is a function of the State. Those lacking means of subsistence and without the right of demanding it from other persons, and those physically incapacitated for work, should be aided.

The law shall determine the form of administering relief and the cases in which it should be given directly by the State.

ART. 20. Private persons are responsible to the authorities only for infraction of the Constitution or of the laws. Public officials are also responsible for the same infractions and for exceeding their powers or for omissions in the exercise of them.

ART. 21. In case of manifest violation of a constitutional provision to the detriment of any person, the order of a superior shall not exempt from responsibility the agent who executed it.

Soldiers in active service are excepted from this provision. The responsibility with respect to them shall devolve solely upon the superior who gave the order.

ART. 22. There shall be no slaves in Colombia.

Any slave who sets foot on the territory of the Republic shall be free.

ART. 23. No one shall be molested in his person or his family, imprisoned, arrested, or apprehended, or have his domicile searched, except by virtue of a written warrant from a competent authority, with all legal formalities, and for an offense previously defined in the law.

In no case shall detention, imprisonment, or arrest be made for purely civil debts or obligations, except by judicial decision.

ART. 24. An offender caught *in flagrante delicto* may be arrested and taken before a judge by any person. If the agents of the authority pursue him and he takes refuge in his own dwelling, they may enter it for the purpose of arresting him; but if he seeks asylum in the dwelling of another person, the consent of the owner or tenant thereof must be previously obtained.

ART. 25. No one shall be obliged, in criminal, correctional, or police proceedings, to testify against himself or against his relatives within the fourth civil degree of consanguinity or the second of affinity.

ART. 26. No one shall be tried except in conformity with laws antedating the offense with which he is charged, and before a competent tribunal, observing in full the forms proper to each case.

In criminal matters, the law favorable to the defendant, even if enacted after the commission of the alleged offense, shall be applied in preference to the restrictive or unfavorable law.

ART. 27. The preceding provision shall not prevent the following persons from inflicting punishment, without previous trial, in the cases and within the exact limits established by law:

1st. Public officials exercising authority or jurisdiction, who shall have power to punish with fines or imprisonment any person who may injure or offend them with respect to an action that they may perform in discharging the functions of their office.

2nd. Military officers, who may inflict instant punishment to subdue in-

subordination or a military mutiny, or to maintain discipline in the presence of the enemy.

3rd. Captains of vessels, who have the same power, when not in port, to repress offenses committed on board their ships.

ART. 28. No person shall, even in time of war, be punished *ex post facto* except in accordance with a law, order, or decree in which the act has been previously prohibited and corresponding punishment determined.

If there are serious reasons to fear a disturbance of the public order, this provision shall not prevent, even in time of peace, the arrest and detention, by order of the Government upon previous advice of the Ministers, of any person suspected with good reason of attempting to disturb the public peace.

ART. 29. The legislature may not impose capital punishment in any case.

ART. 30. Private property and other rights acquired by just title by natural or juridical persons are guaranteed, in accordance with the civil law, and may not be disavowed or injured by later laws. When the application of a law enacted for reasons of public benefit or social interests results in a conflict of the rights of private persons with the necessity recognized by the same law, the private interest must give way to the public or social interest.

Property is a social function that implies obligations.

Expropriation may be undertaken, for reasons of public benefit or social interest defined by the Legislature, by means of a judicial decision and with previous indemnification.

Nevertheless, the Legislature, for reasons of justice, may determine the cases in which there is not ground for indemnification, by a favorable vote of an absolute majority of the members of each Chamber.

ART. 31. No law that establishes a monopoly may be applied until the persons who, by virtue of it, would be deprived of the exercise of a lawful industry, have been fully indemnified.

No monopoly may be established except as a financial expedient and by virtue of a law.

The only privileges that may be granted are those relating to useful inventions and means of communication.

ART. 32. The State may intervene, by means of law, in the exploitation of industries or public and private enterprises, for the purpose of regulating the production, distribution, and consumption of wealth, or of giving the worker the just protection to which he has a right.

This function may not be exercised by use of the powers of Article 76, Clause 12, of the Constitution.

ART. 33. In case of war, and only for the purpose of re-establishing public order, the need of expropriation may be decreed by authorities who do not belong to the Judiciary, and without previous indemnification.

Real estate alone may be temporarily occupied, in the case mentioned,

either to meet the necessities of war or to reserve its products for war, as a pecuniary penalty imposed on its owners in accordance with the law.

The Nation shall always be responsible for expropriations made by the Government directly or by means of its agents.

ART. 34. The penalty of confiscation shall not be inflicted.

ART. 35. Literary and artistic property shall be protected as transferable property, during the lifetime of the author and for eighty years thereafter, by means of the formalities prescribed by law.

The same guarantee shall be extended to the owners of works published in countries using the Spanish language, provided that the respective Nations recognize in their legislation the principle of reciprocity, and without the necessity of concluding any international conventions for this purpose.

ART. 36. The intention of gifts made during a lifetime or testamentarily, in accordance with the law, for purposes of social interest, may not be changed or modified by the Legislature. The Government shall regulate the management and investment of such gifts.

ART. 37. No real estate shall be inalienable or obligations irredeemable in Colombia.

ART. 38. Private correspondence by mail or telegraph is inviolable. Letters and private papers shall not be intercepted or examined, except by authority, by means of an order by a competent official, and in the cases and with the formalities that the law may establish, and for the sole purpose of seeking legal evidence.

Presentation of account books and other papers relating thereto may be required for levying taxes and in cases of intervention by the State.

The circulation of printed matter through the mails may be taxed, but may never be prohibited in time of peace.

ART. 39. Every person is free to choose a profession or trade. The law may require certificates of competence and may regulate the exercise of professions.

The authorities shall inspect professions and trades in matters relating to morality, safety, and public health.

The law may restrict the production and consumption of liquors and alcoholic beverages.

The law may also order the revision and supervision of rates and regulations for transportation enterprises and other public services.

ART. 40. Only those who have a professional degree may in the future be inscribed as attorneys.

No one may legally represent his own or another's case if he is not an inscribed attorney. Nevertheless, the law may establish exceptions.

ART. 41. The freedom of instruction is guaranteed. However, the State shall inspect and maintain the greatest vigilance over institutions of learning, both public and private, in order to attain the fulfilment of the social purposes

of culture and for the better intellectual, moral, and physical development of students.

Primary instruction shall be free in the schools of the State and obligatory to the degree that the law prescribes.

ART. 42. The press shall be free in time of peace; but responsible, in accordance with the law, when it may attack personal honor, the social order, or public tranquillity.

No newspaper publication shall, without the permission of the Government, receive a subvention from other governments or from foreign corporations.

ART. 43. Only the Congress, the departmental assemblies, and the municipal councils may, in time of peace, impose taxes.

ART. 44. The formation of companies, associations, and foundations that are not contrary to the legal order is permitted. Associations and foundations may obtain recognition as juridical persons.

Religious associations must, in order to remain under the protection of the laws, file, before the civil authority, the authorization issued in their favor by their respective ecclesiastical superiors.

ART. 45. Any person shall have the right to present respectful petitions to the authorities, on subjects either of general or private interest, and obtain a prompt decision.

ART. 46. Any number of people shall be permitted to assemble or congregate peacefully. The authorities may dissolve any assembly that degenerates into disorder or tumult or obstructs the public roads.

ART. 47. Popular political organizations of a permanent character are prohibited.

ART. 48. The Government alone shall import, manufacture, and possess arms and munitions of war.

No person within a town shall be permitted to carry arms without permission from the authorities. This permission shall in no case be given in cases of attendance at political meetings, elections, or sessions of assemblies or public corporations, whether as members or spectators.

ART. 49. All new emission of paper money of forced tender is absolutely prohibited.

ART. 50. The law shall determine matters relative to the civil status of persons and their consequent rights and duties. Likewise, family patrimonies, which are inalienable and free from attachment, may be established.

ART. 51. The law shall determine the responsibility incurred by public officials of all classes who violate the rights guaranteed by this title.

ART. 52. The provisions of the present title shall be incorporated into the civil code as the preliminary title and shall not be changed except by an act amending the Constitution.

TITLE IV

*Concerning Religion and the Relations between the Church
and the State*

ART. 53. The State guarantees liberty of conscience.

No person shall be molested by reason of his religious opinions, or be compelled to profess beliefs or observe practices contrary to his conscience.

Liberty is guaranteed for all forms of worship that are not contrary to Christian morals or to the laws. Acts contrary to Christian morality or subversive of the public order, engaged in on the occasion or under the pretext of the exercise of religion, shall be subject to the common law.

The Government may negotiate conventions with the Holy See, subject to the subsequent approval of the Congress, to regulate, on the bases of reciprocal deference and mutual respect, the relations between the State and the Catholic Church.

ART. 54. The profession of the priesthood is incompatible with the discharge of public office. Nevertheless, Catholic priests may be employed in public instruction and social work.

TITLE V

*Concerning the Organs of the Public Power and of the
Public Service*

ART. 55. The branches of the public power are: the legislative, the executive, and the jurisdictional.

The Congress, the Government, and the judges have separate functions, but shall collaborate harmoniously for the realization of the purposes of the State.

ART. 56. The Congress is formed by the Senate and the Chamber of Representatives.

ART. 57. The President of the Republic and the Ministers of State or the chiefs of administrative departments, and in each particular matter the President with the Minister of the respective department, constitute the Government.

No act of the President, except that of the appointment and removal of Ministers and chiefs of administrative departments, shall have any value or force unless it is countersigned and communicated by the Minister of the respective department or by the chief of the proper administrative department, who, by the act itself, are constituted as responsible.

ART. 58. The Supreme Court, the superior district tribunals, and the other tribunals and courts established by law administer justice.

The Senate exercises specified judicial functions.

Justice is a public service under the charge of the Nation.

ART. 59. Supervision of the fiscal management of the administration belongs to the office of the Comptroller General of the Republic.

The comptrollership shall be an accounting office and one of fiscal supervision and shall not exercise administrative functions distinct from those inherent in the development of its own organization.

The Comptroller General of the Republic shall be elected by the Chamber of Representatives for terms of two years.

ART. 60. The functions of the Comptroller General shall be determined by law. He shall, in addition, have the following special powers:

1st. To conduct the general accounts of the Nation, including that of the public domestic and external debt.

2nd. To prescribe methods of accounting for all national agencies and the manner of rendering accounts for all responsible employees.

3rd. To demand reports from national, departmental, or municipal public employees on their fiscal management.

4th. To revise and close accounts of those responsible to the treasury.

5th. To fill the offices subordinate to him, created by law.

ART. 61. No person or corporation may exercise simultaneously, in time of peace, political or civil and judicial or military authority.

ART. 62. The law shall determine the special cases of incompatibility of functions; those of the responsibility of public officials and the manner of making it effective; the qualifications and antecedents necessary for the discharge of certain offices, in cases not provided for by the Constitution; the conditions of promotion and retirement on pension; and the series or class of civil or military services that give a right to a pension from the public treasury.

ART. 63. There shall be no office in Colombia the duties of which are not defined by law or by regulation.

ART. 64. No person may receive more than one assignment provided for by the public treasury or by enterprises or institutions in which the State has a principal part, except in the special cases determined by law. By the public treasury is meant that of the Nation, the Departments, and municipalities.

ART. 65. No official shall enter into the exercise of his office without taking an oath to maintain and defend the Constitution and to perform the duties that are incumbent upon him.

ART. 66. No Colombian who is in the service of Colombia may accept from a foreign government any employment or reward without permission from his Government, under penalty of losing the office that he exercises.

ART. 67. No Colombian may accept from a foreign government any employment or commission near the Government of Colombia, without having previously obtained from the latter the necessary authorization.

TITLE VI

Concerning the Assembling and Functions of the Congress

ART. 68. The legislative Chambers shall convene in their own right, in regular session, on July 20th of each year, in the capital of the Republic.

If for any reason the Congress cannot be convened on the date indicated, it shall be convened as soon as possible within the year.

The regular session of the Congress shall continue 150 days.

The Congress may also be assembled in extraordinary session, by convocation of the Government and for the time that the latter fixes. In this case, it may concern itself only with the matters that the Government submits to its consideration.

ART. 69. The Chambers shall open and adjourn publicly and simultaneously.

ART. 70. The Chambers shall not open their sessions or deliberate with less than one-third of their members.

The President of the Republic, in person or by means of his Ministers, shall open and close the Chambers.

This ceremony is not essential for the Congress legitimately to exercise its functions.

ART. 71. When, on the day appointed for the assembling of the Congress, it cannot complete the act because of the lack of the necessary number of members, the individuals present, sitting as a preparatory or provisional body, shall have the power to compel the attendance of the absentees, under the penalties that the respective rules establish; and the sessions shall be opened as soon as the required number is present.

ART. 72. The Legislature may organize permanent committees from the membership of the Congress to study, during the recess of the latter, the matters pending in the previous legislative session and to elaborate the proposals for amendment recommended by the executive and legislative organs of State.

ART. 73. The two Chambers may, by mutual agreement, be transferred to a different place, and, in case of disturbance of the public order, they may assemble at a point designated by the president of the Senate.

ART. 74. The Congress shall meet as a single body only to give possession of his office to the President of the Republic and to elect Designates.¹

The president of the Senate and that of the Chamber of Representatives shall, in such cases, be respectively president and vice-president of the Congress.

ART. 75. All meetings of members of the Congress, held with the purpose of exercising the legislative power, that take place under other than constitu-

1. This provision has been modified by the subsequent amendment providing for the election of only one Designate.

tional provisions, shall be illegal; the acts that are performed shall be null; and the individuals who take part in such deliberations shall be punished according to law.

ART. 76. It is the function of the Congress to make the laws.

By means of these laws it exercises the following powers:

1st. To interpret, amend, and repeal previous laws.

2nd. To enact codes in all branches of legislation and to amend their provisions.

3rd. To enact provisions for the organization of the national budget.

4th. To fix plans and programs for the development of the national economy, and plans and programs for all public works that may have been undertaken or continued.

5th. To modify the general division of the territory in accordance with Article 5 of this Constitution; and, whenever proper, to establish or change the other territorial divisions mentioned in Article 7; and to fix the bases and conditions for the creation of municipalities.

6th. To enact by-laws for the Congress and for each one of the Chambers.

7th. To confer special powers upon departmental assemblies.

8th. To change, under extraordinary circumstances and for serious reasons of public necessity, the present place of residence of the high national organs.

9th. To create all the offices required by the public service and to fix their respective salaries.

10th. To regulate the public service, determining the matters referred to in Articles 62, 132, and other constitutional prescriptions.

11th. To grant authorization to the Government to make contracts, negotiate loans, dispose of national property, and exercise other functions within constitutional limits.

12th. To vest, temporarily, in the President of the Republic, the extraordinary powers that necessity requires or the public good may suggest.

13th. To establish the national revenue and fix the expenses of the administration.

14th. To acknowledge the national debt and provide for its payment.

15th. To levy extraordinary taxes when required by necessity.

16th. To approve or disapprove the contracts or agreements negotiated by the President of the Republic with private individuals, companies, or political bodies, in which the Nation has an interest, if they had not been previously authorized or if the formalities prescribed by the Congress had not been fulfilled, or if any stipulations that they contain are not in harmony with the laws authorizing their negotiation.

17th. To determine the fineness, weight, type, and denomination of coins and to regulate the system of weights and measures.

18th. To organize the public credit.

19th. To decree the execution or continuation of public works, in accordance with the plans and programs the respective laws may fix.

20th. To promote useful and charitable enterprises worthy of encouragement and help, in strict accordance with the respective plans and programs.

21st. To decree public honors to those citizens who may have rendered distinguished services to the Fatherland, and to stipulate monuments that must be erected.

22nd. To approve or reject treaties and conventions that the Government negotiates with foreign powers.

23rd. To grant, by a majority of two-thirds of the votes in each Chamber, and for *serious considerations of public welfare, general amnesties or pardons* for political offenses. In case those favored are relieved of civil responsibility toward any private individual, the Government is obliged to pay the indemnifications that may occur.

24th. To limit or regulate the appropriation or adjudication of unoccupied lands.

ART. 77. The law may also regulate whatever relates to the police, for the purpose of unifying traffic regulations in all of the territory of the Republic.

ART. 78. The Congress and each one of its Chambers are forbidden:

1st. To make suggestions to public officials.

2nd. *To interfere by means of resolutions or laws in matters that are within the exclusive competence of the other organs.*

3rd. To give votes of approval or censure with respect to official acts.

4th. To require the Government to communicate the instructions given to diplomatic ministers or to give information relative to negotiations that have a confidential character.

5th. To order to be paid to any person or entity, rewards, indemnifications, pensions, or other allowances of money, unless they are intended to satisfy credits or claims already recognized by previous laws, except for the provision in Article 76, Clause 18 [i.e., Clause 20 as now codified].

6th. *To enact laws of proscription or prosecution against persons or corporations.*

TITLE VII

Concerning the Enactment of Laws

ART. 79. Laws may have their origin in either of the two Chambers, on the proposal of their respective members, or of the Ministers of the Cabinet. But they shall not be carried to discussion in the respective Chamber except after being considered and approved in first debate in the corresponding permanent committee.

ART. 80. The following shall be excepted from the provisions of the preceding article:

1st. Laws on taxation or organic laws of the Public Ministry, which must have their origin only in the Chamber of Representatives.

2nd. Laws referred to in Clauses 2, 3, 4, and 5 of Article 76, which cannot be amended except by virtue of bills adopted by the respective permanent committees of one or the other Chamber or presented by the Ministers of the Cabinet.

There shall be in each Chamber, in addition to the committees that the by-laws may establish, permanent committees entrusted with elaborating or adopting bills referred to in Clause 2 of this article, of carrying through the modifications that may be introduced in all kinds of bills, and of approving the same within its membership on first debate.

Each committee shall have the number of members determined by law. It is the function of the Chambers to make the elections for terms of not less than one year.

ART. 81. No bill shall become a law without the following requirements:

1st. It must have been approved in the corresponding committee of each Chamber, on first debate, by an absolute majority of votes.

2nd. It must have been approved in each Chamber, on second debate, by an absolute majority of votes.

3rd. It must have obtained the approval of the Government.

For the enactment of laws that may modify, amend, or repeal those mentioned in Clauses 2, 3, 4, and 5 of Article 76, an absolute majority of votes of the members who compose the permanent committee and, likewise, an absolute majority of votes of the members who compose each Chamber is required.

The adoption of every bill and its approval on first debate within the membership of the permanent committees must be accomplished on different days.

A bill that may have been rejected on first debate may be considered by the Chamber at the request of its author, of a member of the committee, or of the Government. If the decision of the committee is disapproved by an absolute majority of votes of the corresponding Chamber, the bill shall pass to the other permanent committee in order that it may approve it on first debate and report on it for second debate.

ART. 82. For the approval of any bill on first and second debate, the presence of an absolute majority of the individuals who compose the permanent committee or the respective Chamber is required.

ART. 83. The Government may take part in the discussion of the laws by means of the Ministers.

ART. 84. The Magistrates of the Supreme Court of Justice, Councilors of State, the Comptroller General of the Republic, and the Attorney General of the Nation shall have a voice in the debates of the Chambers or of the committees in the cases indicated by law.

ART. 85. After a bill has been approved by both Chambers, it shall pass to

the Government, and, if the latter also approves it, it shall be promulgated as law.

If not approved, it shall be returned, with the objections, to the Chamber in which it had its origin.

ART. 86. The President of the Republic shall be allowed a period of six days to return any bill with objections, if it does not consist of more than fifty articles; he shall be allowed ten days when the bill contains from fifty-one to 200 articles; and up to fifteen days when the bill contains more than 200 articles.

If the President does not return the bill with his objections within the indicated term, he shall be bound to approve and promulgate it. But if, within the said term, the Chambers have recessed, the President shall be obliged to publish the bill, whether approved or not, within the ten days following that on which the Congress has closed its sessions.

ART. 87. A bill disapproved in its entirety by the President shall be returned to the Chambers on second debate. A bill that was objected to only in part shall be reconsidered on first debate, in the respective committee, with the sole object of taking into account the objections of the Government.

ART. 88. The President of the Republic shall sanction, without being able to present new objections, all reconsidered bills that have been passed by an absolute majority of the members of each Chamber.

Nevertheless, when the objections refer to any of the bills mentioned in Clause 2 of Article 80, the decision in the committee or in the respective Chamber must be adopted by two-thirds part of the votes of the members who compose one or the other.

ART. 89. If the Government does not comply with the duty that is imposed on it of sanctioning laws under the terms and according to the conditions established by this title, the president of the Congress shall approve and promulgate them.

ART. 90. In case the objection to a bill is on the ground of unconstitutionality, it shall be excepted from the provisions of Article 88. In this case, if the Chambers insist, the bill shall pass to the Supreme Court which, within six days, shall decide upon its acceptability. An affirmative decision by the Court will oblige the President to approve the law. If the decision is unfavorable, the bill shall be sent to the archives.

ART. 91. The President of the Republic may make a claim of urgency in the dispatch of a bill, and, in such case, the respective Chamber must decide on it within the period of thirty days. The expression of urgency may be repeated in any of the constitutional stages of the bill; but if the President insists upon the urgency the bill must have precedence over all other matters until the respective Chamber decides upon it.

ART. 92. The following formula shall precede the text of all laws:

"The Congress of Colombia Decrees:"

TITLE VIII

Concerning the Senate

ART. 93. The Senate shall be composed of a number of members in proportion to the population of the Republic, at the ratio of one for each 190,000 inhabitants and one more for a fraction not less than 95,000 inhabitants. Each time a new general census of the Republic is taken and the increase of population exceeds 500,000 inhabitants, the basis of population for the election of each Senator shall be automatically increased by 40,000.

In no case shall there be a Department that elects fewer than three Senators or fewer than it does today.

Permanent or temporary vacancies of Senators shall be filled by substitutes, following the order of the position of their names on the respective electoral list. The number of substitutes shall be equal to that of incumbent Senators.

ART. 94. To be a Senator it is necessary to be a Colombian by birth, in full possession of citizenship, more than thirty years of age, and, furthermore, to have discharged any of the offices of President of the Republic, Designate, member of the Congress, Minister of the Cabinet, chief of a diplomatic mission, governor of a Department, Magistrate of the Court or of the superior tribunal, Councilor of State, Attorney General of the Nation, Comptroller General of the Republic, a university professor for at least five years, or to have exercised a liberal profession, with a university degree.

ART. 95. Senators shall continue four years in the exercise of their functions, and are eligible indefinitely.

ART. 96. The Senate shall have jurisdiction over the accusations preferred by the Chamber of Representatives against the officials referred to in Article 102, Clause 4 [i.e., Clause 5 as now codified].

ART. 97. The following rules shall be observed in the trials that are prosecuted before the Senate:

1st. Provided that an accusation is publicly admitted, the accused person shall be suspended, *de facto*, from his office.

2nd. If the impeachment is based on offenses committed in the exercise of duties or on an unworthy act through misconduct, the Senate may not impose any other penalty than that of removal from office, or temporary deprivation or permanent loss of political rights; but if the facts that constitute responsibility for the offense deserve other penalties, the accused official shall be criminally prosecuted before the Supreme Court.

3rd. If the accusation is based upon a common crime, the Senate shall limit itself to declaring whether or not there is evidence enough to proceed against the accused party, and, in case of an affirmative decision, it shall place the accused at the disposal of the Supreme Court.

4th. The Senate may confide the preparation of each trial to a committee from its own body, reserving to itself the judgment and final sentence, which

shall be pronounced in public session by the votes of at least two-thirds of the Senators present.

ART. 98. The Senate shall also have the following powers:

1st. To accept or reject the resignation from their offices of the President of the Republic, or the Designate.

2nd. To approve or disapprove the military ranks conferred by the Government from that of lieutenant colonel to the highest rank in the army or navy.

3rd. To grant leave to the President of the Republic to be temporarily absent, unless it is for reason of illness.

4th. To permit the transit of foreign troops through the territory of the Republic.

5th. To appoint the boundary commissions referred to in Article 5.

6th. To authorize the Government to declare war against another Nation.

TITLE IX

Concerning the Chamber of Representatives

ART. 99. The Chamber of Representatives shall be composed of a number of members in proportion to the population of the Republic, at the ratio of one for each 90,000 inhabitants, and one more for each fraction not less than 45,000 inhabitants. Each time a new general census of the Republic is taken and the increase of population exceeds 500,000 inhabitants, the basis of population for the election of each Representative shall be automatically increased by 20,000 inhabitants.

In no case shall there be a Department that elects fewer than three Representatives or a number less than it now elects.

Each Department shall constitute an electoral district for the election of Representatives.

Permanent or temporary vacancies of Representatives shall be filled by the substitutes following the order of the position of their names on the respective electoral list. The number of substitutes shall be equal to that of incumbent Representatives.

ART. 100. To be elected a Representative it is necessary to be a citizen in possession of full rights, not to have been convicted of an offense deserving corporal punishment, and to be more than twenty-five years of age.

ART. 101. Representatives shall continue in the exercise of their functions for two years and are eligible indefinitely.

ART. 102. Special powers of the Chamber of Representatives are:

1st. To elect the Attorney General of the Nation from a panel presented by the President of the Republic.

2nd. To elect the Comptroller General of the Republic.

3rd. To examine and close definitively the general accounts of the budget and of the treasury, presented to it by the Comptroller.

4th. To initiate the preparation of laws on taxes and for the organization of the Public Ministry.

5th. To impeach before the Senate, whenever there may be just cause therefor, the President of the Republic, the Ministers of the Cabinet, the Attorney General of the Nation, and the Magistrates of the Supreme Court of Justice.

6th. To assume jurisdiction of charges and complaints presented to it by the Attorney General of the Nation or by private persons, against any of the above-named officials, and, if they merit consideration, to base an accusation before the Senate on them.

TITLE X

Provisions Common to Both Chambers and to Their Members

ART. 103. Each Chamber shall have the following powers:

1st. To create and fill the offices that the law may have established for the discharge of its business.

2nd. To organize, when necessary, its internal policing.

3rd. To determine whether the credentials that each member shall present on taking possession of his seat are in the form prescribed by law.

4th. To answer, or abstain from answering, the messages of the Government.

5th. To call upon the Government for written or oral information when necessary for the better discharge of its business, or for becoming acquainted with the acts of the administration, except as provided in Article 78, Clause 4.

The summons of Ministers to attend the Chambers to provide the verbal information that the latter may request from them must express concretely the subject of the information, and the debate may not be extended to matters foreign to it.

ART. 104. The sessions of the Chambers shall be public, within the limitations prescribed by their rules. There shall be public sessions at least three times a week. The sessions of the committees shall also be public, within the limitations prescribed by the rules of the Chambers.

ART. 105. The members of each Chamber represent the whole Nation, and shall vote solely in the interest of justice and the common good.

ART. 106. Senators and Representatives are inviolable for their opinions and votes while in the exercise of their offices. They shall be responsible for their language only to the Chamber to which they belong; they may be called to order by the presiding officer and punished, in accordance with the regulations, for any offense that they commit.

ART. 107. No member of the Congress may be arrested or subpenaed in a criminal suit without permission of the Chamber to which he belongs, during the time of sessions, or for forty days before and twenty days afterward. In cases *in flagrante delicto*, the offender may be arrested and he shall be placed immediately at the disposal of the respective Chamber.

ART. 108. The President of the Republic, the Ministers of the Cabinet, the Magistrates of the Supreme Court of Justice, the Councilors of State, the Comptroller General of the Republic, the Attorney General of the Nation, the chiefs of administrative departments, the governors, and the secretaries of government may not be elected members of the Congress until six months after they have ceased the exercise of their functions. Nor shall any other official be Senator, Representative, or deputy, who may have exercised at any place in the Republic civil, political, or military jurisdiction or authority within three months previous to the election.

No one may be elected Senator and Representative within the same constitutional term, nor elected by more than one electoral district for the same office. Violation of this rule nullifies both elections, or produces a vacancy in the Chamber to which the Senator or Representative may first have been elected.

ART. 109. The President of the Republic shall not confer any office upon Senators or Representatives during their respective terms, with the exception of those of Ministers of the Cabinet, governor, diplomatic agent, and military chief in time of war.

Violation of this provision annuls the appointment.

The acceptance of any of those offices by a member of the Congress shall cause a temporary vacancy during the time in which he discharges the other office.

ART. 110. Senators and Representatives shall not, either directly or through a third person, make any contracts with the administration, nor shall they accept from any person power of attorney for the transaction of business that has any relation to the Government of Colombia.

ART. 111. Citizens who, at the time of election or within the six months previous to it, are engaging in or have engaged in the transaction of business with the Government, in their own interest or in the interest of third parties who are not official entities or institutions, may not be elected members of the Congress.

The law shall determine the kind of business to which this provision is applicable and the special proof to demonstrate the fact.

ART. 112. No increase in the salaries or traveling allowances decreed by the Congress shall take effect until after the members of the Legislature in which it was voted have ended their terms.

ART. 113. The remuneration of members of the Congress shall be fixed and regulated by law.

TITLE XI

Concerning the President of the Republic and the Designate

ART. 114. The President of the Republic shall be elected for a term of four years by direct vote of the citizens, on the same day, and in the form determined by law.

ART. 115. To be President of the Republic it is necessary to have the same qualifications as to be a Senator.

ART. 116. The President of the Republic shall take possession of his office before the president of the Congress and shall take an oath in these words: "I swear before God to comply faithfully with the Constitution and laws of Colombia."

ART. 117. If, for any reason, the President should not be able to take possession of his office before the president of the Congress, he shall do so before the president of the Supreme Court, and failing in this, before two witnesses.

ART. 118. The duties of the President of the Republic in relation to the Congress are:

1st. To open and close the regular sessions of the Congress.

2nd. To convene it in extraordinary sessions.

3rd. To present to the Congress at the beginning of each legislative term a message on the acts of the administration.

4th. To transmit at the same time to the Chamber of Representatives the budget of revenues and expenses.

5th. To give to the legislative Chambers the information that they may request, on matters that do not demand secrecy.

6th. To furnish efficient aid to the Chambers when they may request it, placing the public force at their disposal if it may be necessary.

7th. To concur in the enactment of laws, by presenting bills by means of the Ministers, exercising the right to veto legislative acts, and complying with the duty of approving them, in accordance with this Constitution.

8th. To issue decrees that have legislative force, in the cases and with the formalities prescribed in Article 121, but which shall cease to be effective upon the re-establishment of public order.

ART. 119. The duties of the President of the Republic in relation to the administration of justice are:

1st. To send to the Chamber of Representatives a panel for the election of the Attorney General of the Nation, and to appoint the prosecutors of courts, from lists presented by the Attorney General of the Nation.

2nd. To oversee the prompt and thorough administration of justice throughout the Republic, furnishing the judicial officers, in accordance with the law, the aid necessary to make their decisions effective.

3rd. To bring accusations before a competent tribunal, by means of the respective agent of the Public Ministry or by a special attorney appointed for the purpose, against the governors of Departments, or any other national or municipal officials exercising administrative or judicial duties, for any violation of the Constitution or the laws, or for other offenses committed in the exercise of their functions.

4th. To grant pardons for political offenses, in accordance with the law that regulates the exercise of this power. In no case shall these pardons include the

release of those favored thereby from responsibilities with respect to private persons, according to law.

ART. 120. It shall be the duty of the President of the Republic, as the supreme administrative authority:

1st. To appoint and remove, freely, the Ministers of the Cabinet and the chiefs of administrative departments.

2nd. To promulgate the laws approved, obey them, and see that they are faithfully executed.

3rd. To exercise regulatory power, issuing the orders, decrees, and resolutions necessary for the complete execution of the laws.

4th. To appoint and remove, freely, the governors.

5th. To appoint persons filling any national office the appointment to which does not belong to other officials or bodies, according to this Constitution or subsequent laws.

The President shall have the power, in all cases, to appoint and remove his agents freely.

6th. To direct the public forces and confer military appointments, under the restrictions imposed in Clause 2 of Article 98, and with the formalities established by law for regulating the exercise of this power.

7th. To preserve public order throughout the whole territory and to re-establish it where it may be disturbed.

8th. To direct the operations of war, whenever he may think proper, as commander-in-chief of the armies of the Republic. If he should exercise the military command outside of the capital, the Designate shall then be charged with the other departments of administration.

9th. To provide for the external safety of the Republic, defending the independence and honor of the Nation and the inviolability of the territory; to declare war, with the permission of the Senate, or to wage it without such authorization whenever it shall be urgently necessary to repel foreign aggression; and to conclude and ratify treaties of peace, providing that all papers relating thereto are submitted with a report to the next legislative session.

10th. To permit, in the recess of the Senate, and with the previous advice of the Council of State, the passage of foreign troops through the territory of the Republic.

11th. To permit, with the advice of the Council of State, the stationing of foreign war vessels within the waters of the Nation.

12th. To oversee the proper collection and management of public revenues and funds, and to decree their disbursement according to law.

13th. To regulate, direct, and inspect national public instruction.

14th. To conclude administrative contracts for the performance of services and the execution of public works, in accordance with the fiscal laws, and with the obligation of giving an account to the Congress in its regular session.

15th. To exercise the necessary inspection over banks of emission and other

establishments of credit and over mercantile companies, in conformity with the laws.

16th. To grant permission to national employees, when they request it, to accept offices or gifts from foreign governments.

17th. To issue letters of naturalization, in conformity with the laws.

18th. To grant patents of temporary privilege to the authors of useful inventions and improvements, in accordance with the laws.

19th. To exercise the right of inspection and supervision over institutions of common utility, in order that their revenues may be preserved and properly applied, and that the will of the founders may be carried out in all its essentials.

20th. It is the duty of the President of the Republic, as the supreme administrative authority, to conduct diplomatic and commercial relations with other powers or sovereigns; to appoint diplomatic agents, to receive the respective agents, and to negotiate treaties and conventions with foreign powers, which shall be submitted to the approval of the Congress.

ART. 121. In case of foreign war or domestic disturbance, the President may, over the signatures of all the Ministers, declare the public order to be disturbed and the whole or a part of the Republic in a state of siege. By means of such a declaration, the Government shall have, in addition to its legal powers, those which, according to the rules accepted by international law, are in force during war between nations.

The decrees that the President issues within these limits shall have an obligatory character, provided that they carry the signatures of all the Ministers.

The Government may not derogate the laws by means of the above-mentioned decrees. Its authority is limited to the suspension of those that are incompatible with the state of siege.

The Government shall declare public order to be re-established as soon as the foreign war has ceased or the insurrection has been quelled; and the extraordinary decrees issued shall cease to be in force.

The President and the Ministers shall be responsible when they declare a disturbance of public order when no case of foreign war or internal uprising has occurred; and they shall also be liable, as well as the other officials, for any abuses that may have been committed in the exercise of the powers granted in the present article.

The Government shall, after public order is re-established, convoke the Congress and shall present to it a statement of the measures taken and the reasons therefor.

The Government shall, in the case of a foreign war, convoke the Congress in the decree that declares that public order has been disturbed and that the Republic is in a state of siege, so that it may meet within the following sixty days, and if it is not called the Congress may meet by its own right.

ART. 122. In the cases dealt with in Article 28 of the Constitution and Article 33 of Legislative Act No. 3 of 1910 [i.e., Article 121 of the Constitution as now codified], the Government must previously consult with the Council of State before prescribing the measures referred to in said articles.

ART. 123. The Senate may grant to the President a temporary leave of absence for relinquishing the exercise of the executive power.

The President may, on account of ill health, retire, for the necessary time, from the exercise of the executive power, but notice thereof shall be given by him in due time to the Senate, or, in the recess of the Senate, to the Supreme Court.

ART. 124. The Congress shall elect a Designate every two years, who shall substitute for the President in case of the absence of the latter.

The term of the Designate begins August 7th of the respective year.

ART. 125. When, for any reason, the Congress has not held the election of the Designates, those formerly elected shall continue to act in such a character.² In the absence of the Designates the executive power shall be exercised by the Ministers in the order established by law, and, in their absence, by the governors, the latter following the order of the proximity of their residence to the capital of the Republic.

The following are reasons for the permanent absence of the President:

His death, accepted resignation, removal decreed by judicial decision, permanent physical disability, and abandonment of the office, the latter two reasons being declared by the Senate.

ART. 126. The person in charge of the executive power shall have the same privileges and exercise the same powers as the President, whose position he fills.

ART. 127. In case of the permanent absence of the President of the Republic, the person in charge of the presidency shall order elections to be held within the third month following. The President thus elected shall exercise his office for the remainder of the term.

The person in charge of the presidency shall continue exercising it without holding new elections, when two years or less remain before the expiration of the term.

ART. 128. The President of the Republic, or whoever shall act in his place, may not leave the territory of the Nation during the exercise of his office and for one year afterward, without permission of the Senate. The violation of this provision, while one or the other is in office, implies renunciation of the position.

ART. 129. The President of the Republic is in no case eligible for the term immediately following.

A citizen who, under any title, may have exercised the presidency within

2. Modified, in effect, by the preceding article (of later adoption), which provides for a single Designate.

the year immediately preceding the election may not be elected either President of the Republic or Designate.

Nor may a citizen who may, within the six months before the election, have exercised the office of Minister of the Cabinet, Magistrate of the Supreme Court of Justice, Councilor of State, Attorney General of the Nation, or Comptroller General of the Republic, be elected President.

ART. 130. The President of the Republic, or whoever is acting in his stead, shall be responsible for acts or omissions that violate the Constitution or the laws.

ART. 131. The President of the Republic, during the term for which he was elected, or whoever is placed in charge of the executive power, while he exercises it, shall not be prosecuted or judged for offenses, except by virtue of an accusation by the Chamber of Representatives and after the Senate has declared that there is justification for the suit.

TITLE XII

Concerning the Ministers of the Cabinet

ART. 132. The number, title, and precedence of the different ministries shall be determined by law.

The distribution of the business within the ministries and administrative departments, according to subject matter, belongs to the President of the Republic.

The law shall create and organize the administrative departments that the public service requires, with responsible chiefs, and shall indicate their functions.

ART. 133. To be a Minister it is necessary to have the same qualifications as to be a Representative.

ART. 134. The Ministers are the organ of communication of the Government with the Congress; they may present bills to the Chambers, take part in the debates, and advise the President to approve or veto legislative acts.

Ministers and chiefs of administrative departments shall present to the Congress, within the first fifteen days of each legislative session, a report on the condition of the business pertaining to their ministry or department, and of the reforms that experience may advise should be introduced.

The Chambers may require the attendance of the Ministers, and the permanent committees may require the attendance of the chiefs of administrative departments.

ART. 135. Ministers and chiefs of administrative departments, as superior chiefs of the administration, and the governors, as agents of the Government, may exercise, under their own responsibility, specified functions of those that belong to the President of the Republic as the supreme administrative

authority, under direction of the President. The functions that may be delegated shall be determined by law.

The delegation frees the President from responsibility, which shall belong exclusively to the person to whom they are delegated, whose acts or decisions the President may always change or reverse, reassuming the responsibility involved.

TITLE XIII

Concerning the Council of State

ART. 136. There shall be a Council of State, composed of the number of members determined by law.

The election of Councilors of State, from panels presented by the President of the Republic, is a function of the legislative Chambers. One of the incumbent Councilors shall be included in each panel.

Councilors of State serve for four years and shall be renewed partially each two years. Each member of the Council shall have a substitute, elected by the Chambers in the same manner as the incumbents. The substitutes shall replace the incumbents in cases of permanent or temporary absence.

Designation of interim Councilors is a function of the Government. Ministers have a voice but no vote in the Council.

ART. 137. The Council of State shall be divided into chambers or sections in order to separate the functions that belong to it as the supreme tribunal of administrative litigation from the others assigned to it by the Constitution and the law.

The law shall indicate the functions of each one of the chambers or sections, the number of Councilors who must compose it, and its internal organization.

It is a function of the Government to designate the members who must compose the chambers or sections.

ART. 138. The president of the Council shall be elected by the body itself and shall continue one year in the exercise of his functions, but may be re-elected indefinitely.

ART. 139. To be elected Councilor of State and to discharge the office, it is necessary to have the same qualifications required for Magistrates of the Supreme Court of Justice.

ART. 140. The office of Councilor is incompatible with any other public position and with the practice of law.

ART. 141. Powers of the Council of State are:

1st. To act as a supreme consultative body for the Government in matters of administration, it being necessarily heard in all those that the Constitution and the laws specify.

Opinions of the Council are not obligatory for the Government, except in the case of Article 212 of this Constitution.

2nd. To prepare bills and codes that must be presented in the legislative Chambers, and to propose suitable amendments in all branches of legislation.

3rd. To discharge the functions of a supreme tribunal of administrative litigation, in conformity with the rules specified by law.

4th. To enact its own by-laws, and to exercise the other functions determined by law.

TITLE XIV

Concerning the Public Ministry

ART. 142. The Public Ministry shall be exercised, under the supreme direction of the Government, by an Attorney General of the Nation, by the attorneys of the superior district tribunals, and by the other prosecutors designated by law.

The Chamber of Representatives shall exercise specified functions of this nature.

Officials of the Public Ministry shall have the same status, remuneration, privileges, and social benefit payments as the magistrates and judges before whom they exercise their office.

ART. 143. The officials of the Public Ministry shall defend the interests of the Nation, promote the execution of the laws, judicial decisions, and administrative orders, supervise the official conduct of public employees, and prosecute those who are guilty of crimes and misdemeanors that disturb the social order.

ART. 144. The Attorney General of the Nation shall be elected by the Chamber of Representatives, from a panel sent by the President of the Republic, for a term of four years, and must possess the same qualifications as Magistrates of the Supreme Court of Justice.

Prosecutors of the superior tribunals shall be appointed by the President of the Republic for a term of four years, from lists presented by the Attorney General of the Nation, and must possess the same qualifications as magistrates of the superior tribunals.

Prosecutors of superior and circuit courts shall be designated for a term of three years by the Attorney General of the Nation, from lists presented by the prosecutors of the respective superior tribunals, and must possess the same qualifications as the superior or circuit judges.

The lists to which this article refers shall be composed of the names of those who are already in exercise of the office, and with as many candidates as belong to offices that must be filled, at the ratio of three for each office.

These lists shall be formed by candidates who, in addition to possessing the qualifications required by the Constitution, have exercised any of the offices mentioned in Articles 155 and 157 in the respective Department, or who may be natives of it.

ART. 145. Special functions of the Attorney General of the Nation are:

1st. To see that all public officials in the service of the Nation shall properly discharge their duties.

2nd. To arraign before the Supreme Court the officials whose judging belongs to that body.

3rd. To see that all other officials of the Public Ministry shall faithfully discharge their duties, and to cause them to be responsible for the illegal acts they may commit.

4th. To appoint and remove freely his immediate subordinates.

And the other functions that the law may assign to him.

ART. 146. The prosecutor of the Council of State shall be appointed in the form indicated in Clause 2 of Article 144. To discharge the office it is necessary to have the same qualifications required for Councilors of State, and its term shall be four years.

The prosecutorship in administrative tribunals shall be discharged in conformity with the rules established by law.

TITLE XV

Concerning the Administration of Justice

ART. 147. The Supreme Court of Justice shall be composed of the number of Magistrates determined by law. The same law shall divide the Court into chambers, shall indicate for each one of them the matters over which they shall exercise jurisdiction separately, and shall determine those that shall be taken up by the entire Court.

ART. 148. The term of the Magistrates of the Supreme Court shall be five years, and they may be re-elected indefinitely.

The president of the Court shall be elected each year by the Court itself.

ART. 149. Magistrates of the Supreme Court of Justice shall be elected by the legislative Chambers, from panels transmitted to them by the President of the Republic. The Senate and the Chamber shall each elect half of the Magistrates of the Court, but if the number should be uneven the Chamber shall elect one more.

Substitutes shall be private persons and shall be elected in the same manner as the incumbents.

The Government shall appoint interim Magistrates to the Supreme Court, and the respective governors shall appoint those of the superior tribunals, when vacancies of incumbents cannot be filled by substitutes.

When a permanent absence of any [incumbent Magistrate] occurs, because of death, accepted resignation, constitutional vacancy, or judicial removal, a new appointment shall be made.

ART. 150. To be a Magistrate of the Supreme Court of Justice it is necessary to be a Colombian by birth and in the exercise of citizenship, more than thirty-five years of age, and a licensed attorney; and, furthermore, to have

been a titular Magistrate of the Supreme Court of Justice, or a magistrate of any of the superior district tribunals, for a term not less than four years; or prosecutor of a superior tribunal for the same time; or Attorney General of the Nation for three years, or deputy Attorney for four, or Councilor of State for the same period.

ART. 151. Special powers of the Supreme Court of Justice are:

1st. To judge high national officials who may have been accused before the Senate, because of the corresponding degree of guilt when there is occasion, in conformity with Article 97.

2nd. To hear cases that may be advanced against chiefs of administrative departments, the Comptroller General of the Republic, consular and diplomatic agents of the Nation, governors, magistrates of district tribunals, military commandants, and superior officials of the principal offices of the treasury of the Nation, for reasons of responsibility, violation of the Constitution or laws, or for inefficient discharge of their functions.

3rd. To have jurisdiction over all litigious matters of diplomatic agents accredited before the Government of the Nation, in cases recognized by international law.

4th. Others indicated by the laws.

ART. 152. The national territory shall be divided into judicial districts, and in each one of them there shall be a superior tribunal, the composition and powers of which shall be determined by law.

ART. 153. The law may not in any case establish categories among the tribunals of the country.

ART. 154. There shall be an administrative tribunal in each Department, the functions of which shall be indicated by law.

The number of magistrates that compose each tribunal, the qualifications they must possess to discharge their office, and the manner of their election and removal shall be established by law.

The term of the magistrates shall be two years.

ART. 155. To be a magistrate of the superior tribunals it is necessary to be a Colombian by birth, a citizen in the exercise of his rights, a licensed attorney, more than thirty years of age, and, furthermore, to have discharged titularly, for a period of not less than four years, any of the offices of magistrate of a district tribunal, superior or circuit judge, special judge of an equal or higher category, prosecutor of a superior tribunal or court, or magistrate of an administrative tribunal.

ART. 156. The magistrates of superior district tribunals shall be elected by the Supreme Court of Justice from among citizens who possess the qualifications of the preceding article and who have exercised any of the offices there enumerated in the respective Department, or who may be natives of it.

ART. 157. To be a superior, circuit, juvenile, or special judge, or a judge of criminal court, of equal or higher category than those indicated, it is neces-

sary to be a Colombian by birth, a citizen in the exercise of his rights, a licensed attorney, and to have discharged for at least one year the office of circuit or municipal judge. Judges with whom this article deals shall be elected by the superior tribunal of the respective judicial district, in plenary session, for a term of two years.

ART. 158. To be a municipal judge it is necessary to be a Colombian by birth, a citizen in the exercise of his rights, and a licensed attorney.

Judges with whom this article deals shall be elected for terms of two years by the superior tribunal of the respective district.

The law shall indicate the competence of these officials and the territory of their jurisdiction, ordering the grouping of various villages when it may be considered necessary.

ART. 159. The qualifications required of officials of the judicial branch, those of the Public Ministry, and those of the jurisdiction of administrative litigation shall be authorized in the form determined by law.

The conditions required for the discharge of any of these offices shall qualify for the exercise of those that may be lower in category.

ART. 160. Magistrates and judges may not be suspended from the exercise of their offices except in the cases and with the formalities determined by law, or deposed for reason of criminal violations, except by virtue of a judicial sentence uttered by the respective superior.

Magistrates and judges shall be subject to the disciplinary sanctions imposed by the respective superior, which may consist of fines, suspension, or removal, in the form determined by law.

Magistrates and judges may not be transferred to other offices of a different branch without leaving their positions vacant.

Salaries of magistrates and judges may not be abolished or diminished in such a manner that the abolition or diminution injures those who are exercising said offices. Offices of the jurisdictional branch are not cumulative, and are incompatible with the exercise of any other salaried office, and with all participation in the practice of the law. Only teaching positions are excepted from this provision.

ART. 161. The subordinate personnel in the jurisdictional organs, in that of administrative litigation, and in the Public Ministry shall be designated in conformity with the laws.

ART. 162. The law shall establish the judicial career and shall regulate the systems of examinations for the selection of candidates to discharge judicial offices and those of the Public Ministry, pensions or retirements that the State decrees for those who have completed a determined period of service or are obligatorily retired. An official whose work suffers a notorious decline for reasons of health, or who may have reached the maximum age established in the law for each office, must also be retired obligatorily, with the right to the social benefit payments determined by law.

ART. 163. Every decision shall state the reasons on which it is based.

ART. 164. The law shall establish and organize a labor jurisdiction, and may create tribunals of commerce.

The law may institute juries for criminal cases.

TITLE XVI

Concerning the Public Force

ART. 165. All Colombians shall be obliged to bear arms, when public necessity may demand it, in order to defend the national independence and the institutions of the country.

The conditions that at any time exempt from military service shall be determined by law.

ART. 166. The Nation shall have a permanent army for its defense. The law shall determine the system of replacements for the army, as well as the promotions, rights, and obligations of the soldiers.

ART. 167. The law may establish a national militia and shall organize the body of national police.

ART. 168. The armed force is not deliberative.

It shall not assemble except by order of the legitimate authority; nor shall it address petitions, except on matters that may be related to the good service and morale of the army, and in accordance with its laws.

Members of the army, of the national police, and of armed bodies of a permanent character may not exercise the function of voting while they remain in active service, or take part in political discussions.

ART. 169. Soldiers shall not be deprived of their ranks, honors, and pensions, except in the cases and in the manner that the law shall determine.

ART. 170. Courts-martial or military tribunals shall hear, in accordance with the provisions of the military penal code, all offenses committed by soldiers in active service and in relation to the service itself.

TITLE XVII

Concerning Elections

ART. 171. All male citizens shall directly elect councilors, deputies to the departmental assemblies, Representatives, Senators, and the President of the Republic.

ART. 172. In all popular elections or in those in a public body, in which more than two individuals are voted for, the system of the electoral quotient, or any other that assures proportional representation of the parties, shall be used. The law shall determine the manner of making this right effective.

ART. 173. For the purposes of Article 172 of the Constitution, the Supreme Court on electing magistrates of the tribunals, the President on appointing

prosecutors of the tribunals, and the chief prosecutor on appointing prosecutors of the courts, shall have as a basis the proportion in which the parties are represented in the respective departmental assemblies. The law shall regulate the manner of making the elections.

ART. 174. No persons who may be relatives within the fourth civil degree of consanguinity or the second of affinity of any of the magistrates or judges taking part in the election or appointment, or of those who have participated in the election or appointment of those who must make the designation, may be designated in any election or appointment made by judicial officials or by the Public Ministry.

ART. 175. Each Department shall form a single district for the election of deputies to the assemblies.

ART. 176. Each Department shall constitute an electoral district for the election of Senators.

ART. 177. Each Department shall constitute an electoral district for the election of Representatives.

ART. 178. Officials of the jurisdictional branch and subordinate employees of the same, as well as those of the Public Ministry, may not be active members of political parties, or take part in discussions of an electoral nature, with the exception of the exercise of the suffrage. Disobedience of this rule is proof of bad conduct, which occasions the loss of the office.

ART. 179. The suffrage is exercised as a constitutional function. The person who votes or elects does not impose obligations on the candidate, nor does he confer any mandate upon the official elected.

ART. 180. The law shall determine all other matters concerning elections and the counting of votes, insuring the independence of both functions; and it shall define the crimes that may impair the veracity and freedom of the suffrage, and establish the proper penalties.

TITLE XVIII

Concerning Departmental and Municipal Administration

ART. 181. There shall be, in each one of the Departments, a governor who shall, at the same time, be the agent of the Government and chief of the sectional administration.

ART. 182. Departments shall be independent for the administration of sectional affairs, with the limitations established by the Constitution.

ART. 183. The property and revenues of Departments, as well as those of the municipalities, are the exclusive property, respectively, of each one of them, and shall enjoy the same guarantees as the property and income of private persons. This property may not be occupied except under the same conditions as those that may be applied to private property. The national Government may not grant exemptions from departmental or municipal laws.

ART. 184. The property, rights, values, and shares belonging to the former sovereign States, according to laws or decrees of the national Government, or by any other title, shall continue to be the property of the respective Departments. The real property specified in Article 202 of the Constitution is excepted from this rule.

ART. 185. There shall be in each Department an administrative body called the departmental assembly that shall meet regularly each year in the capital of the Department for a period of two months.

The governor may convene it in extraordinary sessions.

The law shall fix the time of sessions.

ART. 186. The departmental assemblies shall be chosen by popular election and shall be composed of as many deputies as correspond to the population of the respective Department, at the ratio of one deputy for each 40,000 inhabitants, and one more for a fraction equal to or greater than half of said figure.

When the basis of population should give a result for a Department of an even number of deputies, the former will automatically have the right to elect one more in order that the number of deputies elected may always be uneven. In no case shall a smaller number of deputies be elected than is now elected. The number of substitutes shall be the same as the incumbent deputies, and they shall replace the latter in cases of permanent or temporary vacancy, according to the order of the position on the respective electoral list.

To be a deputy the same qualifications are required as to be a Representative.

ART. 187. The functions of the assemblies are:

1st. To regulate, by means of ordinances and according to constitutional precepts, institutions of primary and secondary instruction and the establishments for charity that are maintained by funds of the Department.

2nd. To direct and promote, by means of ordinances and with the resources of the Department itself, the industries already established, and the introduction of new ones, the importation of foreign capital, the colonization of lands belonging to the Department, the opening of roads and navigable canals, the construction of railways, the exploitation of forests that are the property of the Department, the canalization of rivers, matters relating to the local police in all that is not subject to regulation by the law, the supervision of revenue and of expenditures in the districts, and all matters referring to sectional interests and internal progress.

3rd. To organize the accounting departments and to elect the accountant for a term of two years.

4th. To establish or abolish municipalities, to reduce or enlarge the limits of the municipal districts, and to fix boundaries among the districts, carrying out strictly the requirements indicated by the law.

5th. The fixing of the number of departmental employees, their duties, and salaries.

6th. To exercise the other functions required by the Constitution and the laws.

ART. 188. The creation and suppression of notary and registry offices and the organization and regulation of the public service rendered by notaries and registrars is under the jurisdiction of the law.

ART. 189. The assemblies shall vote annually on the budget of revenue and expenditures for the respective Departments, in accordance with the standards established by law.

ART. 190. The law may limit departmental appropriations intended for distribution to the deputies, the expense of the functioning of the assemblies, and of the departmental accounting offices.

ART. 191. The departmental assemblies, in order to cover the expenses of administration that fall to them, may levy taxes, under the conditions and within the limitations fixed by law.

ART. 192. Ordinances of the assemblies and resolutions of the municipal councils are obligatory unless they are annulled by the jurisdiction of administrative litigation.

ART. 193. The jurisdiction of administrative litigation may provisionally suspend acts of the administration, for the reasons and with the requirements established by law.

ART. 194. The duties of the governor are:

1st. To obey the orders of the Government and cause them to be obeyed in the Departments.

2nd. To direct administrative actions in the Department, appointing and removing his agents, amending or revoking the acts of the latter, and taking all necessary measures in all of the branches of the administration.

3rd. To be the spokesman of the Department and represent it in administrative and judicial matters, being able to delegate this representation in conformity with the law.

4th. To assist the administration of justice, as determined by law.

5th. To exercise the right of supervision and protection over official bodies and public establishments.

6th. To veto bills, for reasons of unconstitutionality, illegality, or undesirability, and to sanction and promulgate ordinances in legal form.

7th. To revise the acts of the municipal councils and those of mayors, for reasons of unconstitutionality or illegality, to revoke the latter, and transfer the former to a competent tribunal for decision as to their acceptability.

8th. The other duties that the law may confer upon him.

ART. 195. A governor may request the aid of the armed force, and the military chief shall obey his instructions, unless special orders on the subject are given by the Government.

ART. 196. There shall be in each municipal district a body called the municipal council, chosen by popular election.

ART. 197. Powers of the councils, which shall be exercised in conformity with the law, are the following:

1st. To order, by means of resolutions, what is appropriate for the administration of the district.

2nd. To vote laws and ordinances, and local taxes and expenditures, in conformity with the Constitution.

3rd. To elect municipal attorneys and treasurers, and the other officials or employees that the law determines.

4th. To exercise the other functions indicated by law.

ART. 198. The law may establish different categories of municipalities, in accordance with their population, financial resources, and economic importance, and may specify different systems for their administration.

ART. 199. The city of Bogotá, capital of the Republic, shall be organized as a special district, without subjection to the ordinary municipal system, within the conditions fixed by law. The law may add one or more other municipal districts to the territory of the capital of the Republic, provided that they request annexation by three-fourths part of the council members of the respective municipality.

ART. 200. In regard to the departmental revenues that are collected in Bogotá, the law shall determine that which belongs to the capital of the Republic.

ART. 201. There shall be in each municipality a mayor, who shall exercise the functions of agent of the governor and who shall be chief of the municipal administration, in conformity with the standards indicated by law.

TITLE XIX

Concerning the Treasury

ART. 202. The following shall belong to the Republic of Colombia:

1st. The properties, revenues, lands, valuables, rights, and shares that belonged to the Colombian Union on April 15th, 1886.

2nd. The unoccupied lands, mines, and salt works that belonged to the States, the ownership of which was recovered by the Nation, without prejudice to the rights constituted in favor of third parties by said States, or in favor of the latter by the Nation, on the ground of indemnification.

3rd. All mines of gold, silver, platinum, and precious stones existing in the national territory, without prejudice to the rights of discoverers or exploiters that may have been acquired under previous laws.

ART. 203. The foreign and domestic debts are a charge upon the Republic, whether they are recognized now or may be recognized in the future, as well as the expenses of the national public services.

The law shall determine the order and manner of satisfying these obligations.

ART. 204. No indirect tax or increase of duty of this kind shall begin to be levied before six months have elapsed after the promulgation of the law establishing the tax or the increase.

ART. 205. No alteration in the customs tariff that has the object of decreasing import duties shall go into effect until ninety days after the approval of the law establishing it, and the decrease shall be made by tenth parts in the ten months following.

If the object of the change is to increase the duties, this shall be done by third parts in the three months following the approval of the law.

This provision and that of Article 204 of the Constitution shall not restrict the extraordinary powers of the Government in any case in which it may be vested therewith.

ART. 206. No tax or duty not included in the budget of revenues may be established in time of peace, nor may any expenditure be made from the treasury that is not included in the budget of expenditures.

ART. 207. No expenditure of public money shall be made that has not been previously decreed by the Congress, by the departmental assemblies, or by the municipalities; nor shall any credit be transferred from the object for which it was established in the respective budget.

ART. 208. The Executive shall prepare annually the budget of revenues and shall present it to the Congress, together with the appropriations bill, in the first ten days of the regular sessions in July.

ART. 209. If the Congress fails to vote the budget for the corresponding fiscal year, the budget of the previous year shall continue in force, but the Government may reduce the expenditures and, in consequence, may suppress or rearrange offices when the estimates of revenues of the new fiscal year so advise.

ART. 210. The Congress shall establish the national revenues and shall fix the expenditures of the administration. The general budget of revenues and the law of appropriations shall be enacted in each legislative session and strictly in accordance with the rules of the respective law. No item may be appropriated in the budget that has not been proposed in the respective permanent committee and that does not correspond to an expenditure decreed by a previous law or a judicially recognized credit.

ART. 211. Neither the Congress nor the Government may propose an increase or the inclusion of a new expenditure in the bill presented to the Congress, if it alters the balance between expenditures and revenues in the budget. The Congress may eliminate or reduce an item of expenditure proposed by the Government, with the exception of those that are needed for the service of the public debt, other contractual obligations of the State, or the complete fulfillment of the ordinary services of the administration. If, in the discussion of the law of appropriations, any of the items of the respective bill are eliminated or diminished, they may be replaced by others authorized by a pre-

existing law, the amount of which does not exceed that which is eliminated or diminished.

ART. 212. When, in the judgment of the Government, it may be necessary to make an unforeseen expenditure, the Chambers being in recess, and no item having been voted, or if an item is insufficient, a supplemental or extraordinary credit may be opened.

These credits shall be opened by the Council of Ministers, drawing up a report for that purpose, and according to a previous favorable opinion by the Council of State.

It is the function of the Congress to legalize these credits.

The Government may request from the Congress credits additional to the budget of expenditures.

ART. 213. The Executive may not open the supplementary or extraordinary credits referred to in Article 212 of the Constitution, or make transfers within the budget, except under the conditions and by the procedure established by law.

TITLE XX

Concerning Constitutional Jurisdiction

ART. 214. The integrity of the Constitution is confided to the guardianship of the Supreme Court of Justice. Consequently, in addition to the powers vested in it by the Constitution and the laws, it shall have the following:

To decide definitely on the acceptability of legislative acts to which objections have been made by the Government on the grounds of unconstitutionality, or on all laws or decrees enacted by the Government in the exercise of the powers dealt with in Clauses 11 and 12 of Article 76 and Article 121 of the national Constitution, when they may be charged as unconstitutional by any citizen.

The Attorney General of the Nation must always participate in actions of unconstitutionality.

ART. 215. In all cases of incompatibility between the Constitution and a law, constitutional provisions shall be applied in preference.

ART. 216. It is the function of the jurisdiction of administrative litigation to hear accusations of unconstitutionality against decrees enacted by the Government, when they are not issued in the exercise of the powers dealt with in Clauses 11 and 12 of Article 76 and in Article 121 of this Constitution.

ART. 217. The law shall establish and organize a tribunal of conflicts, charged with adjusting cases of competence that may arise between the common and administrative jurisdictions.

TITLE XXI

Concerning the Amendment of This Constitution

ART. 218. The Constitution may be amended only by a legislative act first discussed and approved by the Congress in its regular sessions; published by the Government, for its final examination in the following regular legislative term; newly debated in the latter, and finally approved by an absolute majority of the individuals who compose each Chamber. If the Government does not promptly publish the bill for the legislative act, it shall be done by the president of the Congress.

TITLE XXII

Transitory Provisions

[The transitory provisions are now largely obsolete.]

[August 4th, 1886]^a

3. The Constitution, as extensively amended in 1944-45, was published in the *Diario oficial* on February 12, 1945, and sanctioned February 15, 1945. The prescription for a codification and renumbering of current constitutional provisions, contained in one of the transitory provisions, was subsequently carried out, the new codification (as published above) being printed in the *Diario oficial* on June 18, 1945. Minor corrections in this codification were published on July 23, 1945.

Costa Rica

[For comment about the Central American confederation, 1824-39, see the historical note on Guatemala.]

COSTA RICA'S first constitution dates from January 2, 1825, during the period when it was a province of the Central American confederation. Following the disintegration of the confederation in 1838-39, Costa Rica adopted its first constitution as an independent state on April 11, 1844. This document, in contrast to most of the republic's later basic laws, provided for a bicameral legislature. A new constitution, dated January 21, 1847, established the government along relatively orthodox lines (but with a unicameral legislature). This short-lived law was succeeded by another constitution, dated November 22, 1848. Somewhat more than a decade later—December 26, 1859—another constitution again provided for a bicameral legislature. This document was in effect almost ten years, being supplanted on February 18, 1869.

The present constitution of Costa Rica dates from December 7, 1871, and, though frequently amended, has been in operation since that time except for a two-year interlude when a new constitution, dated June 8, 1917, was put into effect by the revolutionary regime of General Federico Tinoco. Following the downfall of his government, the constitution of 1871 was restored. The Costa Rican constitution is thus the second oldest now in force in Latin America.

A comprehensive series of amendments in 1943 added some sixteen articles establishing a new section relating to social guarantees.

POLITICAL CONSTITUTION OF COSTA RICA

TITLE I

Concerning the Republic

ARTICLE 1. The Republic of Costa Rica is free and independent.

ART. 2. Sovereignty resides exclusively in the Nation.

ART. 3. The territory of the Republic, included between the Atlantic and Pacific Oceans, is bounded on the northwest by Nicaragua, a country from which it is separated by the dividing line marked by the Cañas-Jérez Treaty of April 15th, 1858, and the award of the President of the United States of America, Grover Cleveland, on March 22nd, 1888; and on the southeast by Panama, from which it is separated by the dividing line marked by the Calderón Guardia-Árias Madrid Treaty of May 1st, 1941.

The State has complete and exclusive sovereignty, for all purposes, over the aerial space belonging to its territory and to its territorial waters.

It grants, in time of peace, freedom of inoffensive transit for civil aviation, in agreement with international conventions or, lacking them, in subjection to special laws.

Only the State, the municipalities, Costa Rican citizens, and companies organized in conformity with national laws can enter their airplanes in the respective registry under the conditions fixed by a special law.

TITLE II

FIRST SECTION

Concerning Costa Ricans

ART. 4. Costa Ricans are native or naturalized.

ART. 5. The natives are:

1st. Those born in the territory of the Republic, except those children of a foreign father or mother, who must follow this condition according to the law.

2nd. The children of a Costa Rican father or mother, born outside of the territory of the Republic and whose names are inscribed in the civil register, by the will of their parents, while being less than twenty-one years of age, or by their own will after they reach that age.

3rd. The children of a foreign father or mother born in the territory of the Republic who, after becoming twenty-one years of age, are inscribed by their own will in the civil register, or by that of their parents before the said age.

4th. The inhabitants of the Province of Guanacaste are also natives who

have been definitely established in it, since its incorporation into this Republic by the treaty of April 15th, 1858, negotiated with Nicaragua.

ART. 6. Naturalized citizens are:

- 1st. Those who have acquired this status by virtue of the previous laws.
- 2nd. A foreign woman married to a Costa Rican.
- 3rd. The children of other Nations who, after five years of residence in the Republic, may obtain the respective letter.

ART. 7. The status of Costa Rican nationality is lost and recovered by the causes and means that the law determines.

ART. 8. The duties of Costa Ricans are to observe the Constitution and the laws, to serve the Fatherland, to defend it, and contribute to it for public expenditures.

SECOND SECTION

Concerning Citizens

ART. 9. All the natives of the Republic or those naturalized in it, who are twenty years of age, or eighteen if they are married or are professors of some learned profession, are Costa Rican citizens; provided that they may possess, moreover, some property or honest office, the fruits or income of which may be sufficient to maintain them in proportion to their status.

ART. 10. The exercise of citizenship is suspended, lost, or recovered according to the causes that the law determines.

ART. 11. Those who may have lost citizenship, except in case of treason to the Fatherland, can be reinstated by legally asking for pardon.

THIRD SECTION

Concerning Aliens

ART. 12. Aliens enjoy in the territory of the Nation the right of freely exercising their religion, of bequeathing property, and marrying in accordance with the laws. They may acquire, possess, and dispose of real property, navigate the rivers and coasts, and practice their industry or business in conformity with the standards and under the limitations fixed by law and by international treaty. They are not obliged to assume citizenship or to pay extraordinary forced contributions.

TITLE III

FIRST SECTION

Concerning National Guarantees

ART. 13. The powers into which the Government of the Republic is divided are independent among themselves.

ART. 14. No one can usurp sovereignty; he who does it commits a crime against the Nation.

ART. 15. No authority can negotiate pacts, treaties, or conventions that are opposed to the sovereignty and independence of the Republic. Whoever shall commit this violation shall be classified as a traitor.

That which is provided here shall not prevent the Executive from being able to negotiate treaties for the execution of whatever interoceanic canal may affect sovereignty over the territory of the Republic. These treaties must, in order to be valid, be submitted to the Congress and obtain the approval of three-fourths of the total number of its members, and, besides, that of a Constituent Assembly called together for this sole purpose.

ART. 16. No authority can usurp powers that the law does not grant to it.

ART. 17. The actions of the Legislature or of the Executive that may be contrary to the Constitution are null and without value, whatever may be the form in which they are undertaken. Thus also are the acts of those who usurp public functions, and the offices conferred with the prearranged requirements by the Constitution or the laws.

ART. 18. The power to approve the alienation of possessions of national property, to decree loans, or to impose taxes belongs exclusively to the Legislature.

ART. 19. Public officials are not masters but trustees of authority. They are subject to the laws and never can consider themselves superior to them.

ART. 20. Public officials are responsible for the infraction of the Constitution or of the laws. Action in order to accuse them is open to the public.

ART. 21. Every public official shall take an oath to observe and comply with the Constitution and the laws.

ART. 22. Military force shall be subordinated to the civil power, is essentially passive, and must never deliberate.

ART. 23. The Republic does not recognize hereditary titles, or venal positions, nor permit the establishment of entailed estates. Monopolies, privileges, and whatever other act, although it may have originated in a law, that impairs or menaces the freedom of business, agriculture, or industry, are also prohibited in the Republic, except those that the State may have established up to date, or those that it may establish in the future for its stability, in order to prevent social evils, in order to stimulate genius, for the execution of works, or for the development of enterprises of indisputably national interest that without monopoly or privilege could not be executed or accomplished, on the advice of the Legislature, by a majority of two-thirds of the total number of its members, and except also those that the municipalities may have established up to date or those that they may establish in the future for the same ends, with the authorization of the Legislature, given by the majority indicated.

ART. 24. The punishment of infamy is not transcendental. The use of torture and the punishment of confiscation are prohibited.

SECOND SECTION

Concerning Individual Guarantees

ART. 25. All men are equal before the law.

ART. 26. The law has no retroactive effect.

ART. 27. All men are free in the Republic; he who is under the protection of its laws cannot be a slave.

ART. 28. Every Costa Rican can move to any point in the Republic or outside of it, provided that he is free of all responsibility, and may return when he desires.

ART. 29. Property is inviolable; no one can be deprived of his if it is not in the public interest legally proved, and without previous indemnification in conformity with the law. In case of war or internal disturbance, it is not necessary that the indemnification be paid previously.

The Congress may, for reasons of public necessity, by the vote of two-thirds of all of its members, impose limitations on property for social interest.

ART. 30. The domicile of the inhabitants of the Republic is inviolable, and one cannot enter a house forcibly except in the cases and with the formalities that the law prescribes.

ART. 31. The private papers of the inhabitants of the Republic may in no case be seized or even examined.

ART. 32. The secrecy of written and telegraphic correspondence is inviolable, and whatever is removed cannot be exhibited for legal purposes.

ART. 33. All of the inhabitants of the Republic have the right to gather peacefully and without arms, whether with the object of occupying themselves with private affairs, or with that of discussing political matters and examining the public conduct of officials.

ART. 34. No person or group of persons can take the privilege or authority of the people, deny their rights, or make petitions in their name. The infraction of this article is sedition.

ART. 35. The right of petition may be exercised individually or collectively.

ART. 36. No one can be disturbed or prosecuted for any act that does not infringe the law, or for the declaration of his political opinions.

No one, however, may deliver, in any form, political propaganda, through clergymen or laymen, invoking motives of religion or making use, as a means, of the religious beliefs of the people.

ART. 37. Everyone can communicate his thoughts by word of mouth or by writing and publish them by means of the press, without previous censorship, remaining responsible for the abuses that he may commit in the exercise of this right, in the cases and in the manner that the law establishes.

ART. 38. Jurisdiction in civil and criminal trials is exclusive in the authorities established by law. No commission, tribunal, or judgeship may be created

for specified trials, nor shall anyone be subjected to military jurisdiction except individuals of the army and only for the crimes of sedition and rebellion, and for those who commit them while being in active service or when required to lend such service; also for offenses against discipline, and any others committed in campaign, in which cases they shall be judged according to the military ordinance.

ART. 39. In a criminal matter, no one is obliged to testify against himself; nor can he testify in the status of a witness against his mate, ancestors, descendants, or other relatives within the third degree of consanguinity or the second of affinity.

ART. 40. No one can be arrested without a proved indication of having committed a crime, and without a written order from a judge or authority in charge of public order; except when the defendant may be declared a fugitive from justice or a delinquent *in flagrante delicto*; but in every case he must be placed at the disposition of a competent judge within the definite period of twenty-four hours.

ART. 41. Every inhabitant of the Republic has the right of *habeas corpus*.

ART. 42. No one shall be made to suffer any punishment without having been heard, and convicted in a trial, and without having been sentenced by an executory sentence by a judge or competent authority. Bodily restraint, non-appearance, and other matters of this nature in civil cases, and those of fine or arrest in police cases, are excepted.

ART. 43. Punishment can be imposed on no one except by a pre-existent law that names the crime or offense committed.

ART. 44. No person can be subjected to prison for debt, except only in the case of legally proved fraud.

ART. 45. Human life is inviolable in Costa Rica.

ART. 46. [Suppressed.]

ART. 47. All Costa Ricans or aliens, having recourse to the law, shall find a remedy for injuries or damages that they may have received in their persons, property, or honor. Justice must be rendered promptly, completely, and without hesitation, and in strict conformity with the law.

ART. 48. All Costa Ricans and aliens have the right of terminating their differences in civil matters by means of arbitration, whether before or after a lawsuit has begun.

ART. 49. The same judge cannot serve in various appeals, provided that the decision deals with the same point.

ART. 50. Private actions that do not touch public morality or order, or that do not produce harm or injury to a third party, are outside of the jurisdiction of the law.

THIRD SECTION

Concerning Social Guarantees

ART. 51. The State will work for the greatest wellbeing of Costa Ricans, protecting in a special way the family, the basis of the Nation; assuring aid to mothers, children, the aged, and the destitute ill, and organizing and stimulating production and the most adequate distribution of wealth.

ART. 52. Labor is a social duty and enjoys the special protection of the law with the purpose that in its fulfillment it gives the individual the right to a suitable existence and agrees with his abilities and aptitudes.

ART. 53. All manual or intellectual labor has the right to a minimum wage or salary that shall cover the material, moral, and cultural necessities of his home, and that shall be fixed periodically, with reference to the nature of his work and to the particular conditions of each region and of each activity, intellectual, industrial, commercial, stockraising, or agricultural.

ART. 54. The regular working period shall not exceed eight hours in the daytime, six hours at night, and forty-eight hours a week. Work for additional hours shall be remunerated with fifty per cent more of the stipulated wage or salary. Nevertheless, these provisions shall not be applied in exceptional cases, very limited, determined by law.

All manual or intellectual workers shall have the right to paid annual vacations, the extent and time of which shall be regulated by law but the duration of which may not be fixed in a proportion less than two weeks for each fifty weeks of continuous service.

ART. 55. All employers, as well as all workers, may organize freely for the exclusive purposes of their economico-social activities, in accordance with the law.

ART. 56. The right of employers to the lockout and of workers to the strike is recognized, except in the public services, in accordance with the specification that the law makes regarding them, and in conformity with the regulations that the law itself establishes, which must disavow all acts of coercion or violence.

ART. 57. Collective labor agreements and contracts that are negotiated in accordance with the law between employers and legally organized workers' unions shall have the force of law.

ART. 58. The State shall promote the creation of co-operatives as a means of facilitating better living conditions for workers.

ART. 59. The State shall assist in the construction of cheap houses for urban workers and shall create a family patrimony for the rural worker.

ART. 60. Every employer must adopt conditions necessary for hygiene and the safety of the worker in his enterprises.

ART. 61. The State shall watch over the technical training of workers, for

the purpose of obtaining the greatest efficiency in their labor and of gaining an increase in national production.

ART. 62. An equal wage or salary shall be paid for equal work under identical conditions, without distinction of persons or sexes. .

The rural worker shall enjoy the same essential rights as the urban worker.

Under equality of conditions employers and public or private enterprises have the obligation of giving preference to Costa Rican workers. In the cases occurring, the law shall fix the minimum proportion of native workers, giving consideration not only to their number but also to the total amount of salaries or wages paid them.

ART. 63. Social insurance for the benefit of manual and intellectual workers is established, regulated by a system of compulsory triple contributions by the State, by the employer, and by the worker, for the purpose of protecting the latter against the hazards of illness, invalidity, maternity, old age, death, and other contingencies determined by law.

The administration and regulation of social insurance shall be under the charge of a permanent institution, with its own sphere of action, called the Costa Rican office of social insurance, that shall discharge its functions with absolute independence of the Executive.

The funds or reserves of social insurance may not be transferred or employed for different purposes than those that caused their establishment, and their management shall be undertaken by the office, in accordance with its constitutive law.

Insurance against professional hazards shall be the exclusive obligation of employers and shall be governed by special provisions.

ART. 64. There shall be a special jurisdiction of labor for the better solution of conflicts that may arise in the relations between employers and workers. All labor tribunals shall be subordinate to the Judiciary and the law shall determine their number and organization; in greater part they shall be composed of a representative of the State, who shall preside over them, and of a representative of the employers, and another of the workers.

ART. 65. The rights and benefits to which this section refers are irrenounceable. Their enunciation does not exclude others derived from the Christian principle of social justice that shall be applicable equally to all elements participating in the process of production and regulated by a social and labor code, for the purpose of attaining a permanent policy of national solidarity.

TITLE IV

Concerning Religion

ART. 66. The Roman Catholic Apostolic Religion is that of the State, which contributes to its maintenance, without preventing the free ministry in the Republic of any other worship that is not opposed to universal morality or good customs.

TITLE V

Concerning Education

ART. 67. Primary instruction is obligatory, free, and sustained by the Nation. The direction of it belongs to the Executive.

The State will maintain the schools of primary instruction and academies of secondary education that the necessities of the country may require, and will create revenues for the support of the university.

ART. 68. Every Costa Rican or alien is free to give or receive instruction that he may desire in establishments that are not sustained with public funds.

TITLE VI

FIRST SECTION

Concerning the Suffrage

ART. 69. The suffrage is exercised by direct vote.

ART. 70. It is a duty of citizens to attend and vote in popular assemblies in which the suffrage is exercised.

SECOND SECTION

Concerning Electoral Assemblies

ART. 71. The duties of the popular assemblies are:

1st. To vote for the President of the Republic.

2nd. To arrange the election of Deputies corresponding to each Province at the ratio of one incumbent for each 15,000 inhabitants and for a remainder that exceeds 7,500. However, the national representation shall continue integrated through forty-three proprietary Deputies and eighteen substitutes, who shall be elected in the same proportion by Provinces, used in the elections of 1906 and 1908, until such a time that the respective populations may exceed the quota that is fixed in this article.

3rd. To elect in their respective cantons the individuals who must compose the municipal governments; and

4th. To arrange for other elections that the law demands.

ART. 72. A special law shall provide, on these bases, the qualification of the citizens and shall regulate the elections as may best suit the legality, freedom, and order of the suffrage.

TITLE VII

Concerning the Government

ART. 73. The Government of the Republic is popular, representative, alternate, and responsible, and three distinct powers exercise it, that are denominated legislative, executive, and judicial.

TITLE VIII

Concerning the Legislative Power

FIRST SECTION

Organization of the Constitutional Congress

ART. 74. The legislative power is delegated by the people to an organization called the constitutional Congress.

ART. 75. The constitutional Congress is formed of Deputies elected by popular assemblies, in the proportion that the second clause of Article 71 of this Constitution establishes.

ART. 76. The Deputies shall continue in their offices for four years, being renewed each two years by halves, and capable of being re-elected indefinitely. The individuals who must vacate their seats in the first period of renewal shall be designated by lot.

ART. 77. The Deputy is absolutely irresponsible for the opinions and votes that he gives in the Chamber. During the sessions he cannot be arrested in a civil suit, unless the Congress authorizes it or the Deputy himself consents to it.

From the time that he is declared elected an incumbent or substitute, until his legal term ends, he cannot be arrested or imprisoned for a criminal cause or misdemeanor, unless he has been previously suspended by the Congress. This immunity does not apply in the case of *flagrante delicto* or when the Deputy himself declares that he is renouncing it. However, the arrested or imprisoned Deputy, in the case of *flagrante delicto* or offense, shall be placed at liberty if the Congress orders it.

ART. 78. The Congress shall convene each year on May 1st, even when it has not been called, and its regular sessions shall last seventy days, extensible to ninety days in case of necessity.

ART. 79. It shall also convene in extraordinary session when it may be called for that purpose by the Executive. In the decree of summons the matters with which the Congress shall exclusively occupy itself shall be specified.

ART. 80. During the sessions, no Deputy may accept any employment from the Executive, except if it concerns a secretaryship of State or a diplomatic mission.

ART. 81. To be a Deputy it is necessary:

1st. To be a Costa Rican by birth or naturalization, with a residence of four years after having acquired a letter of naturalization.

2nd. To be an active citizen, more than twenty-one years of age, able to read and write, and the owner of property of a value not less than 500 *colones*, or to have an annual income of not less than 200 *colones*.

SECOND SECTION

Powers of the Congress

ART. 82. The exclusive powers of the Congress are:

1st. To open and close its sessions at the time designated by law and to suspend them when most convenient, in order to continue them in the course of the year, leaving, in the meantime, if it be necessary, an editing committee.

2nd. To make the examination and scrutiny of votes for President of the Republic and to proclaim the election of the citizen who has obtained the greatest number of votes, provided it is greater than forty per cent of the votes cast. For such a purpose, the Congress shall convene, even without being summoned, on March 1st following the election. If, on the said March 1st, it is not possible to hold a session for lack of a quorum, the session shall be held the following day with the Deputies that are present, and it may not be suspended until the aforesaid examination and scrutiny of votes is terminated and the corresponding declaration made.

If none of the candidates shall have received said majority, a second popular election shall be held on the first Sunday in April of the same year among the three candidates who have received the greatest numbers of votes and the one of them who may obtain the greatest number of votes shall be considered elected. If, in the first or second election, two candidates gain an equal number of the votes that constituted the balloting, the one of greater age shall be considered elected. After having participated in the first election, the possibility of being elected President may not be renounced. If, between one election and the other, one of the candidates should die or be legally disqualified from being elected, the one who followed in the number of votes shall be substituted for him, in case of there having been more than three candidates in the first election, and the election shall be limited to the two remaining candidates if there were not more than three. The electoral boards must exercise the functions that the laws impose on them, in the first election as well as in the second, without the necessity of any summons. The members of said boards who, without proved disability, fail in the fulfillment of this obligation shall be punished with the penalties that the law determines for those who hinder or restrict the exercise of political rights. The decisions adopted by the Congress in March cannot be an object of revision or modification of any kind on the part of the Congress in May.

3rd. To appoint the titular and substitute Magistrates who shall compose the Supreme Court of Justice and to receive from them and from the President of the Republic the oath that they must take; to accept or refuse the resignations of the individual members of the supreme powers, and to resolve the doubts that may occur, in the case of physical or moral incapacity of the President of the Republic, declaring if it is necessary or not to proceed to a

new election. In this latter case, the Secretaries of State shall give a report to the president of the Congress, in order that he may call an extraordinary session for the purpose indicated.

4th. To approve or reject conventions, concordats, and public treaties.

5th. To give or deny its consent for the entry of foreign troops into the Republic and for the stationing of fleets in its ports.

6th. To authorize the Executive to declare war.

7th. To suspend, by two-thirds vote of those present, the individual guarantees designated in Articles 28, 30, 31, 32, 33, 36, 37, 40, and 41 of the Fundamental Law itself, in case the Republic finds itself in imminent danger, whether it be because of foreign aggression, or by reason of internal uprising. This suspension shall be of all these guarantees or of only part of them, for all the territory of the Republic or for a part of it, and for seventy days or less. The Executive may not, with respect to persons, do more than impose arrest in a place not assigned for common criminals, or to decree their confinement in inhabited places. In no case may they be tortured.

The Executive shall give a report to the Congress in its next meeting, of the means taken to preserve public order or to maintain the security of the State, which shall cease immediately when the guarantees are re-established.

Sole Section. The suspension to which this provision refers, shall never include the guarantees designated in Article 45, Title III, Section 2, of this Constitution.

8th. To appoint, for each presidential term, in the respective first regular session of the Congress, three individuals with the denomination of first, second, and third, to exercise the executive power in the temporary or permanent absence of the President, having the qualifications required of the latter. In the absence of the President and the Designates, the Secretaries of State shall proceed in accordance with what is provided in the conclusion of the third clause of this article.

The person who shall have been President of the Republic in the term previous to that in which he is to function, cannot be elected a Designate, nor the Designate who shall find himself in the exercise of the presidency at the time of the election or who exercised it during the previous six months or part of them.

9th. To accept accusations that may be presented against the President of the Republic, individuals of the supreme powers, Secretaries of State, and diplomatic ministers of the Republic, and to declare by two-thirds vote whether or not there is occasion for the formation of a case against them, putting them, in an affirmative case, at the disposal of the Supreme Court of Justice, in order that they may be judged according to law.

10th. To decree the suspension of any of the individuals who may be mentioned in the preceding provision, when they may have to be tried for common crimes.

11th. To fix the ordinary expenditures of the public administration for the following year, and extraordinary expenditures when it may be necessary.

To see that those expenditures are adjusted to the budget voted and to take care of the due and timely receipt and expenditure of the earnings and expenses of the public treasury. For the fulfillment of said aims there shall exist an office of control, without the audit of which payments shall not be made by the national treasury and which shall watch, exactly, the recognition of the national incomes, and other receipts and expenditures of the Republic. The chief of this office and his respective substitute shall be appointed by the Legislature, and shall not be able, at the same time, to discharge any other public duty. The Congress shall examine each year the reports that the Secretaries of State and the chief of the office of control must submit.

12th. To fix annually also the maximum of the armed forces on land and sea, which, in time of peace, the Executive may maintain in active service, and then, or in extraordinary sessions, they are to indicate the increase that said force may have in the cases of foreign war and of armed insurrection.

13th. To enact, amend, interpret, and repeal laws.

14th. To establish the national taxes and imposts.

15th. To decree the alienation or the application to public use of the property of the Nation itself.

All national railways and freight platforms are excepted from this authority. Such railways cannot be sold or leased, directly or indirectly, or in any form leave the ownership or control of the State.

Also excepted from this authority are:

I. The power which may be obtained from the waters of the public domain in the territory of the Republic.

II. Beds of coal, wells and deposits of petroleum, and whatever other substances of hydrocarbon exist in the national territory.

III. Wireless services, that are of public utility and are the monopoly of the State.

The properties referred to in Subsections (a) and (b) [i.e., I and II, above] and the wireless services are inalienable and are under the ownership of the State; their concession and the right to exploit them can be granted only for a limited time and in accordance with special regulatory laws.

16th. To authorize the Executive specifically to negotiate loans or to conclude other similar contracts that affect the public credit, being able to pledge the national revenues for their security. To authorize the contraction of loans abroad or those that, though concluded in the country, may have been financed with foreign capital, it is necessary that the respective plan be approved by two-thirds of the votes of the Congress.

17th. To confer military ranks including that of colonel and above.

18th. To grant personal rewards and honors to those who have rendered

great and important services to the Republic and to decree honors to their memory.

19th. To determine the fineness, type, form, and denomination of the coins, and the weights and measures.

20th. To promote the progress of the sciences and the arts, and to insure for a limited time to authors or inventors, the exclusive right to their respective writings or discoveries.

21st. To create establishments for the instruction and progress of the sciences and the arts, indicating income for their support, and procuring particularly the generalization of primary education.

22nd. To create tribunals and courts and the other necessary offices for the national service.

· THIRD SECTION

General Provisions

ART. 83. The following cannot be elected Deputies:

1st. The President of the Republic and the Secretaries of State.

2nd. The regular Magistrates of the Supreme Court of Justice.

3rd. Those who may exercise extensive jurisdiction or authority over all of a Province.

ART. 84. The status of Deputy is incompatible with that of subordinate officers of the other supreme powers. This incompatibility commences with the beginning of the legislative term and extends to the substitute Deputies.

Outside of sessions, the Deputy may accept any office from the Executive, and during the sessions those that Article 80 indicates. But, as much in one case as in the other, he will lose his post in the Congress upon accepting the office. During and outside of the sessions, he may freely accept judicial offices, but he similarly will lose his position in the Chamber.

ART. 85. The Congress shall not be able to open its sessions or perform the functions that belong to it, without the attendance of two-thirds of its members.

ART. 86. When, the day designated for the opening of its sessions having arrived, it cannot take place, or being open, it cannot continue because of the lack of the quorum that the preceding article requires, the members present, whatever the number may be, may compel those absent to attend, under the penalties established by law, and the sessions shall open or continue when there may be a sufficient number.

In order to complete the required quorum, the substitutes of one or more Provinces shall be provided at the time, in the case of temporary or permanent absence, with those of other Provinces.

ART. 87. The president of the Congress shall take the legal oath before it, and the Deputies from the hands of the said president.

ART. 88. The Congress shall sit in the capital of the Republic, and a two-thirds vote is required to move its location to another place, as well as to suspend its sessions for a specified period.

ART. 89. The sessions of the Congress shall be public, except in case there may be reason to transact any business in secret session.

ART. 90. The Congress shall adopt the necessary regulations for the conduct and direction of its work and for whatever concerns its internal discipline.

In accordance with said regulation, the Congress may discipline its members, with the correctional penalties that it may establish, when these are violated.

ART. 91. The Congress has the duty of verifying the qualifications of its members, and of passing upon the complaints that may be made because of the nullity of their elections.

ART. 92. Vacancies that may occur in the Congress shall be filled by the respective substitutes; and if their number is not sufficient to fill them, other new ones shall be named for that term.

ART. 93. Deputies serve the Nation, and not the Province that has named them.

FOURTH SECTION

Concerning the Making of Laws

ART. 94. Laws and other legislative acts have their origin in the Congress, at the proposal of any of its members, and in the Executive, through the Secretaries of State.

ART. 95. No bill shall be approved in the Congress without having first been subjected to three discussions, each one on a separate day.

ART. 96. No bill, although it may be approved by the Congress, shall have the force of law without the sanction of the Executive. If the latter willingly gives this sanction, he shall order it to be executed and published, but if he refuses, he shall veto it and return it to the Congress with the objections that he may have made.

ART. 97. The Executive may veto any bill, the reason being that he finds it entirely inexpedient, or that he finds it necessary to make modifications or amendments, and in this case he will propose them.

ART. 98. The bill having been reconsidered by the Congress with the objections of the Executive, if the Congress rejects them and the bill be newly approved by a two-thirds vote, it shall remain sanctioned and shall be ordered executed as a law of the Republic. If the modifications are accepted, the proposal shall be returned to the Executive, who may not now refuse his sanction. In the case of being rejected, and of not receiving the two-thirds vote in order to re-enact it, it shall be filed and may not be reconsidered until the next regular legislative session.

ART. 99. For a bill to be considered rejected by the Executive, it is necessary that it be returned to the secretariat of the Congress, within the definite period of ten working days. If this does not take place, it shall be considered a law of the Republic.

ART. 100. The sanction of the Executive is necessary in all actions of the Legislature except the following:

1st. Those that concern the elections which they must perform and the resignations and requests for absences which they present.

2nd. Decisions of the Congress to transfer its residence to another place; to suspend its sessions or to prorogue its regular sessions for the full time that this Constitution permits.

3rd. Decrees that may be issued declaring whether there are or are not grounds for proceeding against any of the individuals of the supreme powers, by reason of an accusation presented.

4th. Rules that the Congress adopts for its internal government.

ART. 101. The Congress shall begin all its laws and legislative acts with this formula:

"The constitutional Congress of the Republic of Costa Rica, etc."

TITLE IX

Concerning the Executive Power

FIRST SECTION

Concerning the President of the Republic

ART. 102. There shall be in Costa Rica a President who, in the character of the chief of the Nation, shall exercise the executive power.

ART. 103. To be President of the Republic it is necessary:

1st. To be a Costa Rican by birth.

2nd. To be of secular status.

3rd. To be more than thirty years of age.

4th. To be an active citizen, able to read and write, and the owner of property of a value not less than 500 *colones* or with an annual income of not less than 200 *colones*.

The following cannot be elected President:

1st. The person who may be, by consanguinity or affinity, ancestor, descendant, or brother of the President of the Republic.

2nd. The Designate to the presidency who may have exercised the office at the time of the election, or who may have within the preceding six months or part of them.

3rd. The person who may be, by consanguinity or affinity, ancestor, descendant, or brother of the Designate who may have been in the circumstances specified in the preceding clause; and

4th. The Secretary of State who may have exercised his office at the time of the election, or who may have exercised it in the preceding six months or part of them.

ART. 104. The election of the President of the Republic shall take place the second Sunday of February of the year in which the replacement of this official is to occur.

The President of the Republic cannot be re-elected for the following term.

The presidential term is four years.

ART. 105. The President of the Republic shall take possession of his office on May 8th; and with the ending of the constitutional term, he retires by the same fact from the exercise of his functions.

ART. 106. If the President-elect is not able to take the constitutional oath before the Congress on the day specified in the preceding article, or during the regular sessions of the same, it shall be taken before the one in charge of the executive power, with corresponding solemnity.

ART. 107. When, through death, resignation, or other cause, the presidency of the Republic is vacant, the Designates, in the order of their appointment, shall enter into the exercise of it for such time as remains until the end of the presidential term.

ART. 108. The President of the Republic cannot leave the territory of Costa Rica during his term of office, or within one year after he has left office, if it is not with the permission of the Congress, except to visit any of the sister countries of Central America and Panama.

SECOND SECTION

Concerning the Duties and Powers of the Executive

ART. 109. The following are the duties and powers of the Executive:

1st. To appoint and remove freely the Secretaries of State, diplomatic officials and employees, army officers and others indicated by the civil statute of the public service, and, subject to the prescriptions of the latter, other employees subordinate to them.

The vote of two-thirds of all the members of the Legislature will be necessary for the approval or amendment of said statute, and the fact of affirming specified ideas of a political or social character may not be included in it as an impediment to the admission to the exercise of public service or as a cause for removal.

2nd. To maintain order and tranquillity in the Republic, and to repel all foreign attack or aggression.

3rd. To decree, in the recesses of the Congress, the suspension of guarantees to which Clause 7 of Article 82 refers, in the same cases and with the same limitations that are established there, and to report immediately to the Congress. The decree of the suspension of guarantees is equivalent, *ipso facto*, to

the calling of the Congress into session, which must convene within the forty-eight hours following, and can, by a majority of votes, re-establish the guarantees.

4th. To fulfill and execute the Constitution and the laws in the parts that are pertinent and to cause them to be fulfilled and executed by his agents and by subordinate employees.

5th. To see that the other public employees, who are not subordinate to him, fulfill and execute them, reporting to their immediate superiors.

6th. To direct the armed forces of sea and land for the defense and security of the Republic, so as to maintain order and peace within it, and for all other objects that the public service requires.

7th. To direct the public treasury in accordance with the law.

8th. To convene the Congress for its regular sessions, and in extraordinary session when some serious matter of public convenience requires it, complying in this latter case with that which is ordered in the conclusion of Article 79 of this Constitution.

9th. To direct diplomatic negotiations, to conclude treaties and public conventions with the governments of other Nations, and to exchange them with the previous approval and ratification of the Congress.

10th. To appoint, in agreement with the Council of Government, ministers plenipotentiary, envoys extraordinary, and consuls of the Republic.

11th. To receive the diplomatic ministers and accept the consuls of other Nations.

12th. To exercise the patronage in accordance with the law, to make the presentation and appointments that this may require, and to exercise the other acts that the same may necessitate in the affairs of the Church.

13th. To grant or refuse a permit for conciliar decrees, bulls, apostolic briefs, and papal rescripts, and any other dispatches of the ecclesiastical authority.

14th. To declare war on another power or Nation, when he has been authorized to do so by the Legislature, and to make peace when he considers it suitable.

15th. To deliver to individuals the respective commissions that the Congress may have given them for any military ranks that it is authorized to confer.

16th. To confer military ranks up to that of lieutenant colonel, and to provide whatever other offices the provision for which the law does not reserve to another authority.

17th. To grant retirement to the chiefs and officers of the army and to accept or refuse the resignations that the same ones may have presented from their offices.

18th. To grant letters of naturalization in accordance with the law.

19th. To pardon, commute, and lessen punishments in accordance with the law, and to rehabilitate delinquents in the proper manner.

20th. To grant amnesties and general or individual pardons for political crimes.

21st. To issue patents of navigation and letters of marque; these latter only in time of war and by way of reprisals.

22nd. To give a written report to the Congress, at the opening of its sessions, of the political state of the Republic, and of what the different branches of the administration possess in general, indicating the means that he judges suitable for their improvement.

23rd. To enable minors, in accordance with the law, to administer their property.

24th. To rehabilitate, in accordance with the law, those who may have lost their citizenship or are suspended from the exercise of it.

25th. To give consent to contract marriage to those of whom the law may require it, except in case of opposition by the father or mother.

26th. To nominate the governors of the Provinces and territories as his agents.

27th. To issue rules that are fitting for the internal administration of his offices, and to provide the other regulations and ordinances for the prompt execution of the laws.

28th. To call to the exercise of the executive power of the Nation, in temporary absences, the Designate whom he considers suitable. If no one is thus called, the Designates shall exercise the executive power in the order of their nomination.

THIRD SECTION

Concerning the Responsibility that the Executive Exercises

ART. 110. The person who exercises the executive power is responsible for the abuses he commits in his official conduct:

1st. When he has as an object the favoring of the interests of a foreign Nation against the independence, integrity, and freedom of Costa Rica.

2nd. When he tends to prevent, directly or indirectly, the elections provided in this Constitution, or to limit the electoral freedom that those who should enjoy it may have.

3rd. When he may desire to prevent the Congress from meeting or continuing its sessions during the period that, according to this Constitution, it should have, or to limit the freedom and independence that it should enjoy in all its acts or deliberations.

4th. When he refuses to order the publication and execution of the laws and legislative acts, in the cases in which, according to this Constitution, he cannot refuse.

5th. When he prevents the tribunals and courts from taking cognizance of matters that are within the competence of the Judiciary, or limits the freedom with which they should judge.

6th. In all the other cases in which, by an act or omission, the Executive may violate any express law.

ART. 111. The President of the Republic while he is in office, or in charge of the executive power, cannot be prosecuted or judged for common crimes, unless after, by virtue of the accusation lodged, the Congress may have declared that the suit may take place.

FOURTH SECTION

Concerning the Secretaries of State

ART. 112. For the dispatch of the business that belongs to the executive branch, there shall be such Secretaries of State as the law determines.

ART. 113. Each one of the Secretaries shall be in charge of a secretariat of State, but the Executive may put a single Secretary in charge of two or more.

ART. 114. To be a Secretary of State it is necessary:

1st. To be a native or naturalized Costa Rican; but in this latter case he must have at least ten years' residence in the country and be married or a widower with legitimate heirs.

2nd. To be an active citizen.

3rd. To be of secular status.

4th. To be more than twenty-five years of age, of evident education, and the owner of property worth not less than 500 *colones* or with an annual income of not less than 200 *colones*.

ART. 115. The actions, resolutions, and orders of the President of the Republic shall be signed by each Secretary in the department with which he may have been entrusted, without which requirement they shall not be valid, and consequently shall not have legal effect.

ART. 116. The actions, resolutions, orders, and any other provisions whatever that the Secretaries of State may communicate are null and without effect without having them signed by the President of the Republic in the corresponding book, and those officials shall be responsible for their results, incurring, moreover, criminal responsibility, for which they remain subject to the penalties that the laws may establish.

ART. 117. The Secretaries of State shall present to the Congress each year, within the first fifteen days of the regular session, a report on the condition of their respective departments; and at any time, the bills that they judge suitable and the reports that may be asked of them. The Secretary of the Treasury shall accompany his report with an account of expenditures of the preceding year and the budget of those of the following.

ART. 118. The Secretaries of State may attend the debates of the Congress and take part in them, without a vote.

FIFTH SECTION

Concerning the Council of Government

ART. 119. The President of the Republic shall have a Council of Government composed of the Secretaries of State, in order to discuss and deliberate upon the matters that the President himself may submit.

ART. 120. When the seriousness of any matter may require it, the Council of Government may be augmented with other individuals whom the President may deem it proper to invite.

TITLE X

FIRST SECTION

Concerning the Judiciary

ART. 121. The judicial power of the Republic is exercised by the Supreme Court of Justice and by the other tribunals and courts that the law establishes.

ART. 122. No power or authority can remove to a superior court suits pending before another power or authority, if they are not *ad effectum videndi*, and in cases of law, nor reopen concluded cases.

ART. 123. The officials who administer justice cannot be suspended from their offices unless there is previous notice of a suit against them; nor can they be dismissed, except by virtue of an executed sentence. Nevertheless, the Supreme Court of Justice, by the vote of two-thirds of its members, can revoke the election of any judge, and by a majority vote that of any mayor.

ART. 124. All the tribunals and courts that the law establishes in the department of justice, under any name, are subject to the Supreme Court.

ART. 125. The Supreme Tribunal executes the appointment of its respective secretaries, judges of first instance, and other officials whom the law designates; it takes cognizance of the resignations of these officials and gives them leaves of absence when they request them.

ART. 126. The law shall limit the jurisdiction, the number, and the terms of the tribunals and courts established or that shall be established in the Republic, their duties, the principles upon which they must regulate their acts, and the manner of requiring responsibility of them.

SECOND SECTION

Concerning the Organization of the Supreme Court of Justice

ART. 127. The law shall organize the Supreme Court of Justice, determining the number of chambers and Magistrates, as well as their respective powers. On choosing the Magistrates the Congress shall designate which of

them compose each chamber and to whom belong the presidencies of the Court and the chambers.

The law or laws that organize the Supreme Court of Justice, and those that add to or modify them, shall require the approval of two-thirds of the votes of the whole membership of the Congress.

ART. 128. To be a Magistrate it is necessary:

1st. To be a native or naturalized Costa Rican, with a residence of four years after obtaining a letter of naturalization.

2nd. To be an active citizen.

3rd. To possess secular status.

4th. To be more than thirty years of age.

5th. To be an attorney of the Republic and to have practiced the profession for five years.

6th. To have a private capital of 3,000 *pesos* [*colones*] or to give equivalent bond.

ART. 129. Appointment as Magistrates cannot devolve upon persons who may be joined in a relationship of consanguinity or affinity within the second degree inclusive.

ART. 130. The term of the Supreme Court shall be for four years, but its members may be re-elected indefinitely. The election of Magistrates shall take place at one of the first three regular sessions that the Congress holds, two years after the beginning of the term of the President of the Republic.

ART. 131. The rank of Magistrate is incompatible with service in the other supreme powers.

ART. 132. Temporary vacancies among the Magistrates, whatever may be their cause or duration, shall be filled by lot from among the substitute Magistrates. Permanent vacancies shall be filled by election by the Congress, to which a report shall be given immediately; if it is assembled in regular or extraordinary session it shall proceed to make the replacement without further formalities; if it is not assembled the replacement shall be made at the beginning of the next regular or extraordinary session.

ART. 133. The Congress, on electing the Magistrates of the Supreme Court, shall also appoint for the same term fifteen substitute Magistrates, for the purposes of Article 132. If one of those appointed should die or be disqualified the Supreme Court of Justice shall give a report to the Congress in order that it may proceed to his replacement. The substitute Magistrates must possess the same qualifications required for the incumbent Magistrates.

TITLE XI

Concerning Municipal Government

ART. 134. The territory of the Republic shall continue to be divided into Provinces for purposes of the general administration of national affairs, the

Provinces into cantons, and these into districts. This division may be varied for fiscal, political, and judicial purposes, by the general laws of the Republic; and for purposes of municipal administration, by the municipal ordinances.

ART. 135. There shall be at the head of each canton a municipal government with the duties that the law designates.

ART. 136. There shall be in each Province a governor, the agent of the Executive and appointed by him, with the qualifications and duties that the law prescribes.

TITLE XII

FIRST SECTION

Concerning the Observance of the Constitution

ART. 137. The Congress, in its first regular session, shall see if the Constitution may have been infringed and if the responsibility of the violators has been made effective, in order to decide, consequently, what seems suitable.

SECOND SECTION

Concerning the Constitutional Oath

ART. 138. The oath that public officials must swear, according to what is set forth in Article 21, Section 1, Title III of this Constitution, shall be according to the following formula: "Do you swear to God and promise the Fatherland to observe and defend the Constitution and the laws of the Republic and to comply faithfully with the duties of your office? Yes, I swear it. If you do thus, may God help you, and if not, He and the Fatherland demand it of you."

THIRD SECTION

Concerning the Amendment of the Constitution

ART. 139. The Legislature may amend this Constitution in part, with absolute regard to the following provisions:

1st. The proposal in which the amendment of one or more articles is requested, must be presented to the Congress during regular sessions, and must be signed by at least ten Deputies.

2nd. This proposal shall be read three times with an interval of six days, in order to decide whether or not to admit it to discussion.

3rd. In an affirmative case, it shall pass to a committee named by an absolute majority of the Congress, in order that in the space of eight days it may present its opinion.

4th. This having been presented, the Congress shall go on to the discussion by the same proceedings established for the adoption of laws; the said amendment cannot be approved without the concurrence of two-thirds of the votes of the Congress.

5th. It being agreed that the amendment be made, the Congress shall formulate the corresponding bill, by means of a committee, an absolute majority being enough in this case for its approval.

6th. The above-mentioned bill shall pass to the Executive, who, after having heard the Council of Government, shall present it with his message to the Congress, at its next regular session.

7th. The Congress, in its first session, shall discuss the bill, and if it be approved by two-thirds of the votes it shall become part of the Constitution, being sent to the Executive for its publication and enforcement.

8th. [Suppressed.]

ARR. 140. The general reform of this Constitution, the proposal having once been approved by the proceedings to which the preceding article refers, cannot take place without a constituent convention being summoned for that purpose.

[December 7th, 1871]

[CONSTITUTIONAL AMENDMENTS]

LAW NO. 29, JULY 6TH, 1888

ARTICLE 1. Articles 1, 2, and 15 of the Constitution do not prevent the negotiation of treaties of political union of Costa Rica with any of the other Republics of Central America.

ARR. 2. Treaties of union that may be negotiated and that may affect the sovereignty or independence of the Republic, shall be submitted to the Congress in its next regular session to decide whether they are desirable or not. If the Congress accepts the treaties by at least a two-thirds vote of those present, it shall convene a National Constituent Assembly, which shall be concerned solely with consideration of the treaty. If this be approved by the National Constituent Assembly, by a two-thirds vote of those present, it shall remain finally sanctioned and shall be considered as a law of the Republic, being communicated to the Executive for its publication. The convening of the National Constituent Assembly shall be in the form determined in Sections 1 and 2, Title VI of the Constitution. Without the observance of the formalities prescribed in this article, the treaty shall be absolutely null.

ARR. 3. A native of any of the Republics of Guatemala, Honduras, El Salvador, and Nicaragua, shall be considered as of Costa Rican origin, if he complies with the following conditions:

1st. If expressly, by written declaration, before the political authority of the place of his residence, or impliedly by the acceptance of a public office, he manifests his intention of being a Costa Rican; and

2nd. If the Nation to which he belongs grants to Costa Ricans the same facilities for naturalization.

Cuba



THE circumstances of Cuba's emergence as an independent state inevitably associated its first venture in constitution-making with the United States. There had been earlier constitutional documents in Cuban history, but the continuance of effective Spanish control over the island until 1898 gave them only historical interest, not any opportunity for concrete application. General Leonard Wood, military governor of Cuba during the United States occupation subsequent to 1898, issued a call on July 25, 1900, for the election of a Cuban constitutional assembly. The election was held as scheduled, and the assembly convened on November 5, 1900. It signed a constitution on February 21, 1901, establishing a government patterned at many points after that of the United States. The document did not define the relations that should exist between Cuba and the United States, and at the insistence of the latter government the Cuban assembly on June 12, 1901, approved the addition of an appendix dealing with this matter, embodying the verbatim text of an amendment to the United States Army Appropriation Act of 1901, signed by President McKinley on March 2, 1901, and popularly known as the "Platt Amendment" after its putative author.

No changes were made in the constitution of 1901 for slightly more than a quarter of a century. Under the domination of President Machado a series of constitutional amendments was passed in 1927-28, the most spectacular provision of which was the extension of the president's term of office. As officially printed by the Cuban government in 1928, the revised constitution omitted the Platt Amendment appendix, although the terms of the latter were not formally abrogated by treaty until 1934.

Following the downfall of Machado by revolution in 1933, the succeeding provisional government on August 24 annulled the constitution as amended in 1928 and restored the form adopted in 1901, but this in turn was abrogated on September 14, 1933. A provisional constitution was adopted by presidential decree in February, 1934. The government on June 12, 1935, restored a constitution in modified form, but the constitutional basis of the Cuban government remained irregular until the adoption of a new basic law in 1940. This document, which took effect on October 10, 1940, was extremely inclusive. Its chief structural innovation is the provision for a modified scheme of parliamentary government.

CONSTITUTION OF THE REPUBLIC OF CUBA

We, the delegates of the people of Cuba, assembled in Constituent Convention, for the purpose of establishing a new fundamental law to consolidate our organization as an independent and sovereign State, capable of assuring freedom and justice, maintaining order and promoting the general welfare, do hereby, invoking the favor of God, set forth the following Constitution:

TITLE I

Concerning the Nation, Its Territory, and Form of Government

ARTICLE 1. Cuba is an independent and sovereign State organized as a unitary and democratic Republic for the enjoyment of political freedom, social justice, individual and collective welfare, and human solidarity.

ARR. 2. Sovereignty resides in the people, and all public powers arise therefrom.

ARR. 3. The territory of the Republic consists of the island of Cuba, the Isle of Pines, and other adjacent islands and keys, which were under the sovereignty of Spain until the ratification of the Treaty of Paris on December 10th, 1898.

The Republic shall not conclude or ratify pacts or treaties that in any form limit or menace national sovereignty or the integrity of the territory.

ARR. 4. The territory of the Republic is divided into Provinces, and the latter into municipalities. The existing Provinces are named: Pinar del Río, Havana, Matanzas, Las Villas, Camagüey, and Oriente.

ARR. 5. The flag of the Republic is that of Narciso López that was raised in the Morro fortress of Havana on May 20th, 1902, on the transferring of the public power to the people of Cuba. The national coat-of-arms is that which is already established as such by law. The Republic shall not recognize or authorize any national flag, hymn, or coat-of-arms other than those referred to in this article.

In the buildings, fortresses, and public dependencies, and in official acts, no flag shall be raised other than the national flag, with the exception of foreign flags in the case and in the manner permitted by protocol and by international usage, treaties, and laws. As an exception, the flag of Carlos Manuel de Céspedes shall be hoisted in the city of Bayamo, which is declared a national monument.

The national hymn is that of Bayamo, composed by Pedro Figueredo, and shall be the only one rendered in all the dependencies of the Government, barracks, and on official occasions. Foreign hymns may be rendered in the cases already stipulated in relation to foreign flags.

Notwithstanding the provisions of the second paragraph of this article, flags belonging to the armed forces may be raised in fortresses and barracks. Likewise, societies, organizations, or centers of any kind may raise their flags or insignia in their buildings, but the national colors shall always occupy the predominant place.

ART. 6. The official language of the Republic is Spanish.

ART. 7. Cuba condemns wars of aggression and aspires to live in peace with all States and to maintain cultural and trade relations and ties with them.

The Cuban State accepts the principles and practices of international law which promote human solidarity, respect for the sovereignty of peoples, reciprocity between States, peace, and universal civilization.

TITLE II

Concerning Nationality

ART. 8. Citizenship carries with it duties and rights, the adequate exercise of which shall be regulated by law.

ART. 9. Every Cuban is obliged:

1st. To bear arms for his Fatherland in the cases and in the form established by law.

2nd. To contribute to the public expenses in the form and to the amount provided by law.

3rd. To comply with the Constitution and the laws of the Republic and to observe good civic conduct, inculcating the principles thereof in his own children and in all those who may be under his protection, promoting in them a pure national conscience.

ART. 10. A citizen has the right:

1st. To reside in his country without being made the object of any discrimination or duress, regardless of race, class, political opinions, or religious beliefs.

2nd. To vote, according to the provisions of the law, in the elections and referendums that may be held in the Republic.

3rd. To receive social assistance and public benefits with, in the former case, prior affirmation of need.

4th. To discharge public functions and offices.

5th. To the advantages provided for labor by the Constitution and the law.

ART. 11. Cuban citizenship is acquired by birth or by naturalization.

ART. 12. Cubans by birth are:

1st. All those born in the territory of the Republic with the exception of the children of aliens who may at the time be in the service of their Government.

2nd. Those born in foreign territory, of Cuban father or mother, by the sole act of their becoming inhabitants of Cuba.

3rd. Those having been born outside the territory of the Republic, of father or mother who were natives of Cuba, but who may have lost this nationality, who reclaim Cuban citizenship in the form and subject to the conditions stipulated by law.

4th. Aliens who served for one year or more in the army of liberation, remaining in it until the termination of the War of Independence, provided they affirm this service with an authentic document issued by the national archive.

ART. 13. Cubans by naturalization are:

1st. Aliens who, after five years of continuous residence in the territory of the Republic, and not less than one year after having declared their intention of acquiring Cuban nationality, obtain the letter of citizenship in accordance with the law, provided that they know the Spanish language.

2nd. An alien who marries a Cuban woman, and an alien woman who marries a Cuban, in case offspring result from such union, or if they maintain two years of continuous residence in the country after their marriage, and provided that they previously renounce the nationality of their origin.

ART. 14. Letters of citizenship and certificates of Cuban nationality shall be exempt from fee.

ART. 15. The following lose Cuban citizenship:

1st. Those who acquire a foreign citizenship.

2nd. Those who, without permission of the Senate, enter the military service of another Nation, or accept the discharge of duties that are inconsistent with Cuban authority or jurisdiction.

3rd. Cubans by naturalization who reside three consecutive years in the country of their birth, unless they express every three years, before the appropriate consular authority, their desire to retain Cuban citizenship.

The law may determine crimes and acts of unworthiness that may cause the loss of citizenship by naturalization, through definite sentence by competent tribunals.

4th. Naturalized citizens who have accepted double citizenship.

Loss of citizenship for the reasons designated in Clauses (b) and (c) [i.e., 2nd and 3rd Clauses, above] of this article shall not be made effective except by definite sentence pronounced after due judicial process before a tribunal of justice, as the law may provide.

ART. 16. Neither marriage nor its dissolution affects the nationality of husband, wife, or their children.

A Cuban woman married to an alien shall retain Cuban nationality.

An alien woman married to a Cuban, and an alien married to a Cuban woman, shall retain his or her original nationality, or shall acquire Cuban nationality upon his or her prior option, as regulated by the Constitution, the law, or international treaties.

ART. 17. Cuban citizenship may be recovered in the form stipulated by law.

ART. 18. No Cuban by naturalization may discharge official functions in the country of his origin in the name of Cuba.

TITLE III

Concerning Alienage

ART. 19. Aliens residing in the territory of the Republic shall be considered as equal to Cubans:

1st. With regard to the protection of their persons and their goods.

2nd. With regard to the enjoyment of rights recognized in this Constitution, with the exception of those granted exclusively to nationals.

The Government, nevertheless, has the power to oblige an alien to leave the national territory in the cases and in the form stipulated by law.

In the case of an alien who has a Cuban family established in Cuba, a judicial decree of expulsion is required, in conformity with the stipulations of the laws on this matter.

The law shall regulate the organization of associations of aliens, without permitting discrimination against the rights of Cubans who may have membership in them.

3rd. With regard to the obligation of respecting the socio-economic system of the Republic.

4th. With regard to the obligation of observing the Constitution and the law.

5th. With regard to the obligation of contributing to the public expenses in the form and to the amount provided by law.

6th. With regard to submission to the jurisdiction and decisions of the tribunals of justice and the authorities of the Republic.

7th. With regard to the enjoyment of civil rights, under the conditions and within the limitations prescribed by law.

TITLE IV

Fundamental Rights

FIRST SECTION

Concerning Individual Rights

ART. 20. All Cubans are equal before the law. The Republic does not recognize exemptions or privileges.

Any discrimination by reason of sex, race, color, or class, and any other kind of discrimination destructive of human dignity, is declared illegal and punishable.

The law shall establish the penalties that violators of this provision shall incur.

ART. 21. Penal laws shall have retroactive effect when favorable to the offender. This advantage is denied in cases of perpetration of fraud by public officials or employees who may be delinquent in the exercise of their office, and of persons responsible for electoral crimes and crimes against the individual rights guaranteed by this Constitution. The penalties and qualifications of the law in force at the moment of the offense shall be applied to those found guilty of these crimes.

ART. 22. No other laws shall have retroactive effect unless the law itself so provides for reasons of public order, social utility, or national necessity, as may be expressly stipulated in that law by a vote of two-thirds of the total number of members of each colegislative body. If the basis of the retroactivity should be impugned as unconstitutional, it shall be within the jurisdiction of the tribunal of constitutional and social guarantees to decide upon the same, without the power of refusing to render decision because of form or for any other reason.

In every case the same law shall concurrently establish the degree, manner, and form of indemnification for injuries, if any, and of retroactivity affecting rights legitimately acquired under the protection of prior legislation.

The law giving the protection afforded by this article shall not be valid if it produces effects contrary to the provisions of Article 24 of this Constitution.

ART. 23. Civil obligations arising from contracts, or from other acts either of commission or omission, may not be annulled or altered by the Legislature or by the Executive, and consequently laws shall have no retroactive effect in respect to the aforesaid obligations. The exercise of actions resulting from these obligations may be suspended in case of grave national crisis, for the time considered reasonably necessary, by means of the same requisites and subject to the impugnability to which the first paragraph of the preceding article refers.

ART. 24. Confiscation of goods is forbidden. No one may be deprived of his property except by competent judicial authority and for a cause justified by public utility of social interest, and with mandatory prior payment of the proper indemnification in cash, in the amount judicially determined. In case of failure in compliance with these requirements, the person whose property has been expropriated shall have the right of protection by the tribunals of justice, and as the case may warrant, that of the restoration of his property.

In case of contradiction, the tribunals of justice shall have the power to decide upon the necessity of expropriation, for reasons of public utility or social interest.

ART. 25. The penalty of death may not be imposed. However, crimes of a military character committed by members of the armed force, and treason or espionage in favor of the enemy in time of war with a foreign Nation, are excepted.

ART. 26. The penal process law shall establish the necessary guarantees that

all guilt shall be proved independently of the testimony of the accused, of the spouse, and also of relatives within the fourth degree of consanguinity and second of affinity. All accused persons shall be deemed innocent until found guilty.

In all cases the authorities and their agents shall make a record of detention that shall be signed by the detained person, who will be notified of the authority ordering the detention, the reason for it, and the place to which the person in custody is to be conducted, placing an affidavit as to all these details in the record.

Registration of detained persons and prisoners shall be open to public inspection.

Officials approaching or guarding a person in custody shall be liable for every act against the personal integrity, security, or honor of any detained person, unless such officials shall prove their innocence of such act. A subordinate may refuse compliance with orders that infringe upon this guarantee. A guard employing arms against a detained person or a prisoner attempting to escape, shall be accused and held responsible according to the laws, for the crime that may have been committed.

Persons under arrest, and political or social prisoners, shall be detained in compartments separate from common offenders, and shall not be subjected to any labor or to the penal regulations for common prisoners.

No person under arrest or imprisoned shall be held incommunicado.

Infractions of this provision shall be taken up only in ordinary jurisdiction, regardless of the place, circumstances, or persons involved in the detention.

ART. 27. Every detained person shall be placed at liberty or delivered to a competent judicial authority within twenty-four hours following the act of his detention.

Every detained person shall be released from custody, or committed to prison by a judicial writ, within seventy-two hours after having been placed at the disposition of a competent judge. Within the same period the detained person shall be notified of the writ issued.

Preventive imprisonment shall be maintained in places distinct and completely separate from those designed for the serving of sentences, and persons kept in said preventive imprisonment may not be subjected to any labor or to penal regulations designed for persons serving sentences.

ART. 28. There shall be no prosecution or sentence except by a competent judge or tribunal, acting under laws enacted prior to the commission of the crime, and with the formalities and guarantees that these laws may establish. No sentence shall be pronounced against any prosecuted person in his absence, nor shall anyone be condemned in a criminal matter without being heard. Neither shall any person be obliged to testify against himself, or against his spouse, or his relatives within the fourth degree of consanguinity or the second of affinity.

No violence or coercion of any kind shall be practiced on persons in order to force them to testify. Any statement obtained in violation of this provision shall be null, and those responsible shall incur the penalties fixed by law.

ART. 29. Any person detained or imprisoned under circumstances not foreseen in the Constitution and the laws, and without the formalities and guarantees provided by them, shall be placed at liberty upon his own petition or upon the petition of any other person, without the necessity of power or direction of an attorney, by means of summary proceedings of *habeas corpus* before the ordinary tribunals of justice.

The tribunal may not decline jurisdiction or admit question as to competence in any case or for any reason, or defer its decision, which shall have preference over all other matters.

The presentation of every detained or imprisoned person before the tribunal issuing the writ of *habeas corpus* is absolutely obligatory, regardless of the authority or official, person or body, holding custody of said detained person, and said authority is without power to deny obedience to said writ.

All provisions that may impede or retard the appearance of a person deprived of his liberty, as well as any provisions causing delay in the *habeas corpus* proceedings, shall be null and shall be so declared by the office of the judicial authority.

In case the person detained or imprisoned should not be brought before the tribunal granting the writ of *habeas corpus*, the latter shall order the arrest of the detaining officer, who shall be judged in accordance with the provisions of the law.

Judges or magistrates who refuse to admit application for the writ of *habeas corpus*, or who do not comply with the other provisions of this article, shall be dismissed from their respective offices by the chamber of government of the Supreme Tribunal.

ART. 30. Any person may enter and remain in the national territory, leave it, move from one place to another, and change residence without the necessity of a letter of security, passport, or other similar requirement, except for what is provided in the laws on immigration and the duties of the authorities in cases of criminal responsibility.

No person shall be obliged to change his domicile or residence, except by order of a judicial authority and in the cases and subject to the requirements stipulated by law.

No Cuban may be expatriated or be prohibited entrance into the territory of the Republic.

ART. 31. The Republic of Cuba offers and recognizes the right of asylum to those persecuted for political reasons provided that persons thus sheltered respect the national sovereignty and the laws.

The State shall not authorize the extradition of persons guilty of political

crimes, nor shall it attempt to extradite Cubans guilty of these crimes who may have taken refuge in foreign territory.

In case of the expulsion of an alien from national territory, in conformity with the Constitution and the law, such expulsion shall not be made to the territory of the State that may reclaim him if political asylum is involved.

ART. 32. The secrecy of correspondence and other private documents is inviolable, and neither the former nor the latter may be held or examined except by officials or official agents in pursuance of a written order from a competent judge. In all cases secrecy shall be maintained regarding matters not pertaining to the object of the seizure or examination. Under the same provisions, the privacy of telegraphic, telephonic, and cable communication is also declared inviolable.

ART. 33. All persons shall have freedom to express their thoughts by speech, writing, or any other graphic or oral means of expression without subjection to previous censure, utilizing for this purpose any and all means of dissemination available.

Editions of books, pamphlets, disks, films, periodicals, or publications of whatever nature, that attack the good reputation of persons, the social order, or the public peace, may be suppressed only after prior determination thereof by competent judicial authority, without affecting the responsibilities consequent upon the criminal act committed.

In the cases referred to in this article, the use and enjoyment of places, equipment, or instruments that the organ of publicity in question may utilize, may not be held or interrupted, except under civil liability.

ART. 34. The domicile is inviolable and, in consequence, no person may make entry at night into the domicile of another person without the consent of its resident, except in order to succor victims of a crime or disaster, or during the day except in the cases and in the form determined by law.

In case of suspension of this guarantee, it shall be indispensably required that entry into the domicile of a person be made by proper competent authority, upon written order or resolution, an authentic copy of which shall be presented to the resident, his family, or nearest neighbor, according to the case. When authority is delegated to any of his agents the same procedure shall be followed.

ART. 35. The profession of all religions is free, as well as the exercise of all kinds of worship, without other limitation than respect for Christian morality and public order.

The Church shall be separated from the State, which shall not grant a subvention to any religion.

ART. 36. Every person has the right to direct petitions to the authorities, and the right to have said petitions heeded and determined within a period not longer than forty-five days, with the further right to be apprised of the decision thereon.

At the expiration of the legal period, or in default of the above stipulations, the interested party may seek redress in the manner authorized by law as if his petition had been denied.

ART. 37. The inhabitants of the Republic have the right to assemble peaceably and without arms, and the right to hold processions and associate with one another for all the legitimate purposes of life, in conformity with the corresponding legal standards, without further limitation than may be necessary to assure public order.

The formation and existence of political organizations contrary to the democratic representative system of government of the Republic, or which in any way seek to subvert complete national sovereignty, is unlawful.

ART. 38. All acts by which a citizen is prohibited or limited in his participation in the political life of the Nation are declared punishable.

ART. 39. Public functions that imply jurisdiction shall be discharged only by Cuban citizens.

ART. 40. Provisions of a legal, governmental, or any other nature that regulate the exercise of the rights guaranteed by this Constitution, shall be null if they abridge, restrict, or corrupt said rights.

Adequate resistance for the protection of individual rights previously guaranteed, is legitimate.

Violations of this title shall be prosecuted by public action, without precaution or formality of any kind, and by simple denunciation.

The enumeration of the rights guaranteed in this title does not exclude others established in this Constitution, or other rights of an analogous nature, or those that are derived from the principle of the sovereignty of the people and from the republican form of government.

SECOND SECTION

Concerning Constitutional Guarantees

ART. 41. The guarantee of the rights recognized in Articles 26, 27, 28, 29, 30 (first and second paragraphs), 32, 33, 36, and 37 (first paragraph) of this Constitution may be suspended in all or in part of the national territory, for a period not greater than forty-five calendar days, whenever the security of the State may require it, or in case of war or invasion of the national territory, grave disturbance of order, or other happenings profoundly disturbing the public tranquillity.

Suspension of the constitutional guarantees may be carried out only by means of a special law enacted by the Congress, or by means of a decree of the Executive; however, in the latter case, and in the same decree of suspension, the Congress shall be convened within a period of forty-eight hours and assembled as a single body to ratify or refuse the suspension, balloting by name and by a majority of votes. In case the Congress, thus assembled, should

vote against the suspension, the guarantees shall automatically stand re-established.

ART. 42. The territory in which the guarantees referred to in the preceding article may have been suspended, shall be governed by the law of public order previously enacted; however, neither in the said law, nor in any other, may there be suspension of any guarantees other than those mentioned. Likewise, no statement of new crimes shall be made, or any penalties imposed, other than those established by law at the time of the suspension.

Those arrested for reasons that may have been stipulated in the suspension must be confined in special places designated for persons prosecuted or punished for political or social crimes.

The Executive is forbidden to hold any person in arrest for more than ten days without delivering him to judicial authority.

TITLE V

Concerning the Family and Culture

FIRST SECTION

Family

ART. 43. The family, motherhood, and marriage are under the protection of the State.

Only marriages authorized by officials having legal capacity to effect them are valid. Civil marriage is gratuitous and shall be recognized by the law.

Marriage is the legal basis of the family, and rests upon absolute equality of rights of both husband and wife. The economic relationship between husband and wife shall be regulated in accordance with this principle.

The married woman enjoys the full advantages of equal civil capacity, with no necessity for marital permission or authorization in order to manage property, freely to engage in trade, to enter industry or a profession, to practice an art, to hold office, and to dispose of the product of her work.

Marriage may be dissolved by agreement of the husband and wife, or in the petition of either of the two, for the reasons and in the form established in the law.

The tribunals shall determine the cases in which, for reasons of justice, the union between persons with legal capacity to contract marriage shall be deemed comparable, in stability and special status, to civil marriage.

Allowances for support in favor of the woman and the children shall enjoy preference with respect to all other obligations, and this preference may not be derogated by any condition of unattachability of property, salary, pension, or economic investment of any kind whatever.

Unless the woman shall be proved to possess adequate means of subsistence, or unless she shall be declared at fault, periodic payments shall be fixed for

her benefit proportionate to the economic position of the husband, and at the same time taking into account the necessities of social life. These payments shall be made and guaranteed by the divorced husband, and shall continue until his former spouse shall contract a new marriage, without detriment to the allowance that shall be fixed upon each child and which must also be guaranteed.

The law shall impose adequate penalties upon those who, in case of divorce, separation, or any other circumstance, shall try to flout or evade this responsibility.

ART. 44. Parents are obliged to support, tend, educate, and instruct their children, and the latter to respect and assist their parents. The law shall assure the fulfillment of these duties with guarantees and adequate penalties.

Children born out of wedlock to a person who at the time of conception may have been able to contract marriage, have the same rights and duties as are stipulated in the preceding paragraph, except for what the law prescribes in regard to inheritance. For this purpose, children born out of wedlock, of married persons, when the latter acknowledge the children, or when the filiation is established by declaration, shall also have equal rights. The law shall regulate the investigation of paternity.

All qualifications on the nature of filiation are abolished. No statement may be made differentiating between births, either upon the civil status of the parents in the written records of the latter, or in any registry of baptism or certificate referring to the filiation.

ART. 45. Budget, insurance, and social assistance shall be employed in accordance with standards of protection for the family, established in this Constitution.

Childhood and youth are protected from exploitation and from moral and material neglect. The State, the Provinces, and the municipalities shall organize adequate institutions for this purpose.

ART. 46. Within the restrictions stipulated in this Constitution, Cubans shall be free to bequeath one-half of their inheritance.

SECOND SECTION

Culture

ART. 47. Culture in all of its manifestations constitutes a primary interest of the State. Scientific investigation, artistic expression, and the publication of their results, as well as education, are, in this regard, free, without prejudice to the inspection and regulation by the State, established by law.

ART. 48. Primary instruction is obligatory for minors of school age, and its dispensation shall be the obligation of the State, without lessening the co-operative responsibility falling to municipal initiative.

Both primary and pre-primary instruction shall be gratuitous when imparted

by the State, Province, or municipality. The necessary teaching materials shall likewise be gratuitous.

Secondary basic instruction, and all higher instruction imparted by the State or the municipalities, exclusive of specialized pre-university and university studies, shall be gratuitous.

In institutes created, or which may be created in the future in the pre-university category, the law may maintain or establish the payment of a moderate co-operation fee for matriculation, that shall be designated for the upkeep of each establishment.

As far as possible, the State shall offer fellowships for the enjoyment of non-gratuitous official instruction to students who, having determined their vocations and having exceptional aptitudes, are prevented, by insufficiency of resources, from carrying on such studies on their own account.

ART. 49. The State shall maintain a system of schools for adults, especially dedicated to the elimination and prevention of illiteracy; rural schools predominantly practical, organized with a view to the interest of small communities of agricultural, maritime, or any other type; art schools, and technical institutes of agriculture, industry, and commerce, oriented in a manner to respond to the necessities of the national economy. All of these kinds of instruction shall be gratuitous and the Provinces and municipalities shall collaborate in their maintenance to the extent of their means.

ART. 50. The State shall maintain the normal schools necessary for the technical preparation of the teachers in charge of primary instruction in the public schools. No other educational center may issue degrees for primary teachers, with the exception of the schools of pedagogy of the universities.

The previous provisions do not exclude the right of schools created by law, to issue pedagogical degrees relating to special matters that may be the subject of their instruction.

Holders of these pedagogical degrees of special capacity shall have the right, with full preference, to occupy vacant positions or those that may be created in the respective schools and specialized fields.

The degree of master of economy, arts, domestic and industrial sciences, issued by the school of the household, is required for the instruction of women in domestic economy, cutting and needlework, and women's industries.

ART. 51. Public instruction shall be organized in an organic form, so that adequate articulation and continuity may obtain for all grades, including the higher. The official system shall provide vocational stimulus and development in the light of the multiplicity of the professions, and taking into account the cultural and practical necessities of the Nation.

All instruction, public or private, shall be inspired by a spirit of Cubanism and human solidarity, tending to form in the minds of those being educated a love for their Fatherland, its democratic institutions, and for all those who have fought for one or the other.

ART. 52. All public instruction shall be provided for in the budgets of the State, the Provinces, or the municipalities, and shall be under the technical and administrative direction of the Minister of Education, with the exception of departments of instruction that, because of their special character, are subordinate to other ministries.

The budget of the ministry of education shall not be less than the normal budget of any other ministry except in case of emergency declared by law.

The monthly salary of a teacher of primary instruction must not be, in any case, less than a millionth part of the total budget of the Nation.

Persons holding official teaching positions have the rights and duties of public officials.

Appointments, promotions, transfers, and dismissals of public teachers and professors, inspectors, technicians, and other school officials, shall be regulated in such a manner that no considerations other than strictly technical ones may apply, but this stipulation shall not affect the vigilance over the moral conduct to which such officials must conform.

All directorial and supervisory positions in official primary instruction shall be discharged by technical graduates of the corresponding university faculties.

ART. 53. The University of Havana is autonomous and shall be governed in accordance with its statutes, and with the law upon which the said statutes must be based.

The State shall contribute to the creation of University endowment funds and to the support of said University, appropriating for this purpose the amount fixed by law in its national budgets.

ART. 54. Official or private universities and any other institutions and centers of higher learning may be created. The conditions by which they may be regulated shall be determined by law.

ART. 55. Official instruction shall be laic. Centers of private instruction shall be subject to regulation and inspection by the State; however, in all cases the right shall be preserved of imparting, separate from technical instruction, the religious education that may be desired.

ART. 56. In all teaching centers, public or private, the teaching of Cuban literature, history and geography, civics and the Constitution, must be imparted by teachers who are Cuban by birth, and by means of textbooks by authors who have the same qualification.

ART. 57. In order to exercise the teaching profession it is necessary to prove one's qualifications in the form stipulated by law.

The law shall determine what non-teaching professions, arts, or offices require degrees for their practice, and the manner in which such degrees must be obtained. The State shall assure employment preference in positions of public service to citizens officially prepared with the proper specialized training.

ART. 58. The State shall regulate by means of a law the preservation of the

cultural treasures of the Nation and its artistic and historical riches, and shall likewise give special protection to the national monuments and to places notable for their natural beauty or for their recognized artistic or historical value.

ART. 59. A national council of education and culture shall be created which, presided over by the Minister of Education, shall be in charge of the encouragement, technical direction, or inspection of the educational, scientific, and artistic activities of the Nation.

The opinion of this body shall be heard by the Congress on every bill relating to matters within its competence.

Positions on the national council of education and culture shall be honorary and uncompensated.

TITLE VI

Concerning Labor and Property

FIRST SECTION

Labor

ART. 60. Labor is an inalienable right of the individual. The State shall employ all the resources in its power to provide an occupation for everyone who lacks such, and shall assure the economic conditions necessary for a proper existence to every worker, manual or intellectual.

ART. 61. Every worker, manual or intellectual, in public or private enterprise of the State, Province, or municipality shall have a guaranteed minimum salary or wage, which shall be determined in keeping with the conditions of each region and the normal necessities of the worker, from material, moral, and cultural considerations, and considering him as the head of the family.

The law shall establish the manner of periodically regulating the minimum salaries or wages by means of committees with equal representation for each branch of labor, according to the standards of living, the peculiarities of each region, and each industrial, commercial, or agricultural activity.

In labor performed by the complete task, it shall be obligatory that the minimum wage for a day's work be reasonably assured.

The minimum of all salaries or wages is unattachable, except in case of responsibilities for payment of allowances in support of other persons in the form that the law may establish. The tools of labor belonging to workers are also unattachable.

ART. 62. For equal work under identical conditions, an equal salary shall always be paid regardless of persons.

ART. 63. No discount not authorized by the law may be made on any wage or salary of manual and intellectual workers.

Amounts owing to workers for services and wages earned in the past year shall have preference over any others.

ART. 64. Payment in tickets, tokens, merchandise, or any other article by which an attempt is made to replace money of legal tender is absolutely prohibited. Violations of this prohibition shall be punishable by law.

Day laborers shall receive their salary within a period not longer than one week.

ART. 65. Social insurance benefits are established as irrenounceable and imprescriptible rights of workers, with the equitable co-operation of the State, the employers, and the workers themselves, for the purpose of protecting the latter in an effective manner against illness, old age, unemployment, and the other exigencies of labor, in the form that the law may determine. The rights of old-age pensions and death benefits are likewise established.

The administration and governing of the institutions to which the first paragraph of this article refers shall be the duty of organizations elected with equal representation by employers and workers, with the participation of a representative of the State, in the form determined by law, except in the case of that created by the State for the bank of social insurance.

Insurance covering accidents of work and for occupational diseases, at the exclusive expense of the employer and under the control of the State, is declared equally obligatory.

Social insurance funds or reserves may not be transferred, and may not be used for any purposes other than those that determined their creation.

ART. 66. The maximum working day shall not exceed eight hours. This maximum may be reduced to six hours a day for persons more than fourteen and less than eighteen years of age.

The maximum working week shall be forty-four hours, equivalent to forty-eight hours in pay, with the exception of industries which, because of their nature, must carry on uninterrupted production within a certain period of the year, until the specific regulation in these exceptional cases is determined by law.

Labor and apprenticeship is prohibited to persons less than fourteen years of age.

ART. 67. The right of all manual and intellectual workers to one month of vacation on pay for every eleven months of work in every natural year is established. Those who, on account of the type of work or other circumstances, may not have worked the eleven months, shall have the right to vacation on pay for a period proportional to the time worked.

When workers stop work on account of a national holiday or mourning, employers must guarantee them the corresponding wages for this time.

There shall be only four days of national holiday and mourning on which the closing of industrial or commercial establishments or those of public entertainment is obligatory. The remaining official holiday or mourning days shall be celebrated without suspension of the economic activities of the Nation.

ARR. 68. No wage differential may be established between married women and single women.

The law shall regulate the protection of motherhood of working women, extending this protection to women who are employed.

A pregnant woman may not be separated from her employment within three months before childbirth, or be required to do work that may require considerable physical effort.

During the six weeks immediately preceding childbirth and the six weeks following, a woman shall enjoy obligatory vacation from work on pay at the same rate, retaining her employment and all the rights pertaining to such employment and to her labor contract. During the nursing period, two extraordinary daily rest periods of a half hour each shall be allowed her to feed her child.

ARR. 69. The right of organization is recognized for employers, private employees, and workers, for the exclusive purposes of their economico-social activity.

The competent authority shall have a period of thirty days in which to admit or refuse to admit the registry of a workers' or employers' association. The registration shall determine the juridical personality of the workers' or employers' association. The law shall regulate everything concerned with the recognition of the association by the employers and by the workers respectively.

Associations may not be finally dissolved until a provisional decision has been made by the tribunals of justice.

The officials of these associations shall be exclusively Cubans by birth.

ARR. 70. Official obligatory collective organization is established in the practice of university-trained professions. The law shall determine the form of the organization and functioning of such bodies, by a higher organization of national character, and by the local organizations that may be necessary, in a manner such that they may be regulated with full authority by the majority of their colleagues.

The law shall also regulate the obligatory collective organization of the other professions recognized officially by the State.

ARR. 71. The right of workers to the strike and the right of employers to the lockout is recognized, in conformity with the regulations that the law may establish for the exercise of both rights.

ARR. 72. The law shall regulate the system of collective contracts of labor, the fulfillment of which shall be obligatory for both employers and workers.

Stipulations implying renunciation, diminution, impairment, or relinquishment of any right in favor of the worker that is recognized in this Constitution or in the law, even if expressed in a labor contract or in any other pact, shall be null and shall not obligate the contracting parties.

ARR. 73. The majority of persons participating in labor shall be Cubans by

birth as much as regards to total amount of wages and salaries as in the distinct categories of labor, in the form determined by law.

Protection shall also be extended to naturalized Cubans with families born in the national territory, with preference over naturalized citizens who do not meet these conditions, and over aliens.

The stipulations in the preceding paragraphs concerning aliens shall not be applied in the filling of indispensable technical positions, subject to the prior formalities of the law, and with provision that apprenticeship in the technical work in question be facilitated for native Cubans.

ART. 74. The ministry of labor shall take care, as an essential part, among others, of its permanent social policy, that discriminatory practices of no kind shall prevail in the distribution of opportunities for labor in industry and commerce. In personnel changes and in the creation of new positions, as well as in new factories, industries, or businesses that may be established, it shall be obligatory that opportunities for labor be distributed without distinctions on a basis of race or color, provided that requirements of ability are satisfactorily met. It shall be established by law that any other practice shall be punishable and may be prosecuted officially or at the instance of the aggrieved party.

ART. 75. The formation of co-operative enterprises, whether commercial, agricultural, industrial, of the consumer, or any other type, shall be subject to regulation by the law; but the latter shall regulate the definition, constitution, and functioning of such enterprises in order that they shall not serve to evade or abridge the provisions that this Constitution establishes for the regulation of labor.

ART. 76. The law shall regulate immigration in keeping with the national economic system and with social necessities. The importation of contract labor, as well as all immigration tending to debase the condition of labor, is prohibited.

ART. 77. No enterprise may discharge a worker except for good reason and with the other formalities that the law which determines the just causes for dismissal shall establish.

ART. 78. The employer shall be responsible for compliance with the social laws, even when labor is contracted by an intermediary agency.

In all industries and kinds of labor in which technical knowledge is required, apprenticeship shall be obligatory in the form that the law may establish.

ART. 79. The State shall support the creation of low-cost dwellings for workers.

The law shall determine the enterprises that, by employing workers outside of population centers, are obliged to provide adequate housing for workers, as well as schools, infirmaries, and other services and advantages in behalf of the physical and moral well-being of the worker and his family.

The conditions which shops, factories, and places of work of all kinds must maintain shall likewise be regulated by law.

ART. 80. Social assistance shall be established under the direction of the ministry of health and social assistance; this assistance shall be organized by special legislation, which shall appropriate funds to provide for the necessary reserves.

Hospital, sanitary, medical examiner's, and other positions that may be necessary in organizing the corresponding official services in an adequate manner, shall be established.

Charitable institutions of the State, Province, and municipality shall offer services of a gratuitous character only to the poor.

ART. 81. Reciprocity is recognized as a social principle and practice.

The law shall regulate its operation in such a manner that persons of modest means may enjoy its benefits, and at the same time so that it shall render a fair and adequate protection to the professional.

ART. 82. Only Cubans by birth and naturalized Cubans who have held their status as such for five years or more prior to the date of their seeking authorization to practice, may practice professions that require official title, except as provided in Article 57 of this Constitution. However, the Congress may, by special law, grant temporary suspension of this provision when, for reasons of public utility, the co-operation of foreign professionals and technicians shall be necessary or convenient in the development of public or private undertakings of national interest. Such a special law shall fix the limits and period of the authorization.

In the fulfillment of this provision, as well as in cases in which, by any law or regulation, the practice of any new profession, art, or office may be regulated, the working rights acquired by persons who, until that time may have practiced the profession, art, or office in question, shall be respected, and the principles of international reciprocity shall be observed.

ART. 83. The law shall regulate the manner in which factories and shops may be transferred for the purpose of avoiding debasement of the conditions of labor.

ART. 84. Problems arising from the relations between capital and labor shall be submitted to committees of conciliation, composed of equal representation of employers and workers. The law shall stipulate the judicial officials who shall preside over the said committees, and the national tribunal before which their decisions are appealable.

ART. 85. In order to assure compliance with social legislation, the State shall provide for the supervision and inspection of enterprises.

ART. 86. The enumeration of the rights and benefits to which this section refers shall not exclude others arising from the principle of social justice, and they shall be equally applicable to all elements involved in the process of production.

SECOND SECTION

Property

ART. 87. The Cuban State recognizes the existence and legitimacy of private property in the fullest concept of its social function, and with no further limitations than those that may be established by law for reasons of public necessity or social interest.

ART. 88. The subsoil belongs to the State, which may make concessions for its exploitation, in conformity with what the law may establish. Mining property granted and not exploited within the period that the law may fix shall be declared null and shall revert to the State.

Land, forests, and concessions for the exploitation of the subsoil, utilization of waters, means of transportation, and every other enterprise of public service, must be exploited in a manner favorable to the social welfare.

ART. 89. The State shall have the right to be a party in all auctions or forced sales of real property and of things representative of values in immovable property.

ART. 90. Latifundia are outlawed, and in order to effect their disappearance the law shall stipulate the maximum extent of property that each person or corporation may possess for each type of exploitation for which the land may be employed, at the same time taking into account individual circumstances.

The law shall restrictively limit acquisition and possession of land by foreign persons and companies, and shall adopt measures tending to revert the land to Cuban ownership.

ART. 91. The father of a family who lives upon, cultivates, and directly exploits a rural property that he owns, provided that the value of the latter does not exceed 2,000 pesos, may declare it of irrevocable character as family property as soon as it may be essential for his living and subsistence, and said property shall be exempt from taxes and shall be unattachable and inalienable except for responsibilities incurred prior to this Constitution. Improvements that exceed the sum above mentioned shall pay the corresponding taxes in the manner that the law may establish. In order to exploit the said property the owner may mortgage it, or give sowings, plantings, fruits, or products of the same as guarantees.

ART. 92. Every author or inventor shall enjoy exclusive ownership of his work or invention, with the limitations stipulated by law as to time and form.

Concessions of industrial and commercial trademarks, and other recognition of mercantile credits with indications of Cuban origin, shall be null if such concessions are used in any way for protecting or covering articles manufactured outside of the national territory.

ART. 93. No perpetual charges on property in the character of perpetual

interest payments or other charges of an analogous nature may be imposed, and, furthermore, the establishment of such charges is prohibited. The Congress shall approve a law regulating the liquidation of the existing charges within a period of three legislative terms.

Perpetual interest payments, or charges established, or which may be established, to the benefit of the State, Province, or municipality, or in favor of public institutions of all kinds or of private institutions of beneficence are excepted from the stipulations of the preceding paragraph.

ART. 94. It is the obligation of the State to take a census of population at least every ten years, that shall reflect all the economic and social activities of the country. The State shall also publish a statistical yearbook regularly.

ART. 95. The property of charitable institutions is declared to be imprescriptible.

ART. 96. Those areas of land given by persons of old Spanish nobility for the founding of a town or community, and effectively employed for this purpose, acquiring the character of a municipal government, though afterward occupied or held by the heirs or inheritors of the donor, are declared to be in the nature of a public utility and therefore subject to expropriation by the State, the Province, or the municipality.

The inhabitants of such a town or city, who possess buildings or occupy lots in the settled part, may obtain ownership or possession of the estates or sections of land that they may be occupying, by payment of a fair proportionate price through the expropriating body empowered to transfer the said property to them.

TITLE VII

Concerning Suffrage and Public Offices

FIRST SECTION

Suffrage

ART. 97. Universal, equal, and secret suffrage is established as a right, duty, and function of all Cuban citizens.

This function shall be obligatory, and all persons who, except because of obstacles admitted by law, fail to vote in an election or referendum, shall be subject to the penalties that the law may impose, and shall be deprived of the capacity to hold a judgeship or any public office during the two years following the date of the infraction.

ART. 98. The people express their opinion upon the questions submitted to them by means of the referendum.

In every election or referendum, the absolute majority of validly cast votes shall decide, save for the exceptions established by the Constitution. The results shall be made public in an official manner as soon as they are determined by the competent body.

A vote shall be counted solely and exclusively for the person in whose favor it was cast, and may not be accumulated to the benefit of any other candidate. Moreover, in cases of proportional representation, votes cast in favor of the candidate shall be counted in order to determine the party's quotient.

ART. 99. All Cubans of one sex or the other, and more than twenty years of age, are voters, with the exception of the following:

- 1st. Inmates of asylums.
- 2nd. Those who are mentally incapacitated, with a previous judicial declaration of their incapacity.
- 3rd. Those judicially disqualified for criminal cause.
- 4th. Individuals belonging to the armed forces or to the police, who are in active service.

ART. 100. The electoral code shall provide for an identification book, with the photograph of the voter, his signature, and fingerprints, and the other requirements necessary for better identification.

ART. 101. All forms of coercion to oblige a citizen to affiliate himself, vote, or manifest his choice in any voting operation, are punishable.

This violation shall be punished, and a double penalty shall be applied, in addition to permanent disqualification for the discharge of public office, when the coercion is practiced by an authority or agent, official, or employee of such public office, by himself or through an intermediary person.

ART. 102. The organization of political parties and associations is free. However, no political groupings of race, sex, or class may be formed.

For the organization of new political parties, it is necessary to present, together with the corresponding application, a number of adherents equal to or greater than two per cent of the corresponding electoral census, according as such party be national, provincial, or municipal in character. A party that in a general or special election does not obtain a number of votes representing the said two per cent shall disappear as such and shall be officially erased from the registry of parties. Candidacies may be presented only by those political parties that, having a number of affiliates not smaller than that fixed in this article, may have been organized or reorganized, according to the case, before the election. Political parties may be reorganized on one single day six months before each presidential, gubernatorial, mayoral, or conciliar election, or election for delegates to a constituent convention. The superior electoral tribunal shall officially erase all parties from the registry of parties that, having such opportunity, have not been reorganized.

The assemblies of the parties shall retain all their powers and may not be dissolved except by legal reorganization. In every case, the party assemblies shall be the only bodies in charge of making nominations, and this power may not in any case be delegated.

ART. 103. The law shall establish rules and procedures that shall guarantee the participation of minorities in the formation of the census of voters, in the

organization and reorganization of political associations and parties, and in the other electoral operations, and shall assure them representation in the elective bodies of the State, Provinces, and municipalities.

ART. 104. All those provisions modifying electoral legislation that may be enacted after the calling of an election or referendum, or before the persons winning an election take office, or final results of a referendum are known, are null.

Those modifications that are expressly sought by the superior electoral tribunal and are approved by a two-thirds vote of the Congress are excepted from this prohibition.

From the call for the elections until the elected persons take office, the superior electoral tribunal shall have jurisdiction over the armed forces and over the police bodies for the sole purpose of guaranteeing the purity of the electoral function.

SECOND SECTION

Public Offices

ART. 105. Officials, public workers, and employees are those who, on prior demonstration of capacity, and compliance with the other requirements and formalities established by law, may be designated by competent authority for the discharge of public duties or services, and who receive or do not receive a salary or wage charged to the budgets of the State, Province, or municipality, or autonomous bodies.

ART. 106. The public, civil officials, employees, and workers of all the branches of the State, those of the Provinces, municipalities, and of the autonomous bodies and corporations, are exclusively servants of the general interests of the Republic, and their irremovability is guaranteed by this Constitution, with the exception of those who may discharge political offices or hold positions of trust.

ART. 107. Political offices and positions of trust are:

1st. Ministers and departmental Subsecretaries; ambassadors, envoys extraordinary and ministers plenipotentiary, and directors general, the latter in cases of positions that the law may declare not to be technical.

2nd. All the personal appointees in the immediate private offices of the Ministers and departmental Subsecretaries.

3rd. The private secretaries of officials.

4th. The secretaries of the provincial and municipal administrations, the departmental chiefs of these bodies, and the personal appointees in the immediate private offices of the governors and mayors.

5th. Public, civil officials, employees, and workers named to positions that are temporary in character, with casual appointments the duration of which does not extend beyond the fiscal year.

ART. 108. Admission to and promotion in public offices not excepted in the

preceding article may be obtained only after the aspirants have complied with the requirements and undergone the competitive merit tests of their fitness and capacity that the law shall establish, except in those cases which, by the nature of the duties involved, are declared exempt by law.

ART. 109. No administrative penalties may be imposed upon public officials, employees, and workers without proper reason being previously established and only after a hearing of the interested party and with the appeals that the law may establish. Such proceedings must always be summary.

ART. 110. A public official, employee, or worker who replaces a person removed from his office, shall be considered a provisional substitute while the position of the substitute person is not definitely determined, and this person may claim, in this case, only the rights that belonged to him in his former position.

ART. 111. Compulsory retirements may be carried out only by re-creation or suppression of positions, with respect to the seniority of the persons holding such positions. Those retired shall have preferential right, in order of seniority, to hold positions having equal or analogous functions and in the same category or in the category immediately inferior, that may be established or vacated.

ART. 112. No person may simultaneously discharge more than one office paid, directly or indirectly, by the State, the Province, the municipalities, or the autonomous bodies and corporations, with the exception of the cases stipulated by this Constitution.

Pensions or superannuations of the State, Provinces, and municipalities are supplemental to the necessities of their beneficiaries. Persons who have property of their own fortune may receive only such a part of the pension or superannuation as may be necessary in order that, added to other incomes, the total does not exceed the maximum pension that the law shall fix. A similar criterion shall be applied to persons receiving more than one pension.

No person may, for any reason, effectively receive a pension, superannuation, or retirement of more than 2,400 *pesos* a year, and a single uniform scale of payments shall be applied to all persons pensioned or superannuated.

Persons who at present enjoy pensions, superannuations, or retirements larger than 2,400 *pesos* annually, shall not effectively receive more than this amount per year.

Members of the Cuban army of liberation, their widows, and children, who have the right to a pension, are excepted from the provisions of the preceding paragraphs as a homage of the Republic to its liberators.

ART. 113. Monthly payment of superannuations and pensions for services rendered to the State, Province, or municipality in the proportion permitted by the state of the public treasury shall be an obligation of the State, and in no case shall such payments be less than fifty per cent of the basic legal amount.

The appropriations for superannuations and pensions shall be made each year in the general budget of the Nation.

No pension or superannuation shall be less than the amount that is in force as a daily wage minimum by virtue of the provisions of Article 61 of this Constitution.

Superannuations and pensions of officials and employees of the State, Province, and municipality, that are included in the general law of pensions which here governs, shall be paid in the same manner as the salaries of officials and employees in active service; the State, Province, or municipality being obligated, according to the case, to raise the funds necessary to perform this obligation.

The payment of pensions to veterans of the War of Independence and to their families shall be considered in preference to all other obligations of the State.

ART. 114. Entry into the notarial profession and into the body of registrars of property shall in the future be by competitive examination, regulated by law.

ART. 115. The raising and managing of social retirement funds may be independent, in the form determined by law; however, within four legislative terms following the promulgation of this Constitution, the Congress shall enact a law establishing the general standards by which all the existing superannuations and pensions shall be regulated, or by which such superannuations and pensions shall be created in the future, in all that relates to benefits, taxes, minimum requisites, and guarantees.

ART. 116. In order to decide upon questions relative to public services, a body with autonomous character is hereby established, that shall be called the tribunal of public offices, and which is composed of seven members designated in the following manner:

One, by the plenum of the Supreme Tribunal of Justice, and who must meet the same qualifications required for a Magistrate of the said Tribunal.

One, appointed by the President of the Republic with the prior approval of the Council of Ministers, and who must have had recognized experience in administrative matters.

One, appointed by the Congress, who must possess an academic degree issued by official authority.

One, appointed by the University council from a list of three nominations made by the faculty of social sciences, of which the appointee must be a graduate.

One, by the employees of the State.

One, by the employees of the Province; and

One, by those of the municipality. The last three members must have recognized experience in the respective departments.

Decisions pronounced by the tribunal of public offices shall have force of

law and shall go into immediate effect, without prejudicing the appeals that the law may establish.

ART. 117. The law shall establish the penalties to be imposed upon persons violating the principles contained in this section.

TITLE VIII

Concerning the Organs of the State

ART. 118. The State exercises its functions by means of the legislative, executive, and judicial powers, and the organs recognized in the Constitution or which, in conformity with the same, may be established by law.

The Provinces and the municipalities, besides exercising their own functions, assist in the realization of the purposes of the State.

TITLE IX

Concerning the Legislative Power

FIRST SECTION

Concerning the Colegislative Bodies

ART. 119. The legislative power is exercised by two bodies called respectively the Chamber of Representatives and the Senate, and which together receive the name of the Congress.

SECOND SECTION

Concerning the Senate, Its Composition, and Its Powers and Duties

ART. 120. The Senate is composed of nine Senators per Province, elected in each case for a term of four years by universal, equal, direct, secret suffrage, in a single day, and in the form that the law may prescribe.

ART. 121. To be a Senator it is necessary:

- 1st. To be Cuban by birth.
- 2nd. To have reached thirty years of age.
- 3rd. To be in full enjoyment of civil and political rights.
- 4th. Not to have belonged to the armed forces of the Republic in active service during the two years immediately prior to the date of his designation as candidate.

ART. 122. The powers and duties of the Senate are:

- 1st. To judge, being constituted as a tribunal, the President of the Republic when the latter shall have been accused by the Chamber of Representatives of a crime against the external security of the State, the free functioning of the legislative or judicial powers, or for a violation of constitutional precepts.

In carrying out this obligation, it shall be mandatory that the accusation formulated by the Chamber of Representatives shall have been approved by two-thirds of its members.

The tribunal constituted for the purposes of this article shall be composed of the members of the Senate and all those of the Supreme Tribunal; and the person who at the time holds the office of president of the latter Tribunal shall preside.

2nd. To judge, being constituted as a tribunal, the Ministers of the Government, when the latter shall have been accused by the Chamber of Representatives of a crime against the external security of the State, the free functioning of the legislative or judicial powers, or of a violation of the provisions of the Constitution, as well as of any other crime of a political character that the law may determine.

3rd. To judge, being constituted as a tribunal, the governors of the Provinces when they shall have been accused by the provincial council or by the President of the Republic with the approval of the Council of Ministers, of any of the crimes cited in the preceding clause.

In all cases in which the Senate is constituted as a tribunal, the president of the Supreme Tribunal shall preside. No penalty may be imposed upon those accused other than that of dismissal from office, or that of deprivation of office and disqualification from the exercise of public offices, without prejudice to the ordinary tribunals, which may impose any other penalty that such accused persons may have incurred.

4th. To approve the nominations that the President of the Republic, with the aid of the Council of Ministers, may make for the chiefs of permanent diplomatic missions and for other officials, the appointment of which may require the approval of the Senate according to the law.

5th. To approve the appointment of members of the tribunal of accounts of the State.

6th. To appoint committees of investigation. These shall have the number of members the Senate may determine, and shall have the right to subpoena private individuals as well as officials and authorities to attend to give information before them, and the right to request data and documents that they may consider necessary for the purposes of the investigation.

Tribunals of justice, administrative authorities, and private individuals have the obligation of furnishing committees of investigation with all the data and documents asked of them. If the investigation is concerned with activities of the Government, a favorable vote of two-thirds of the members of the Senate is required to establish these committees. In other cases, a vote of one-half plus one shall be sufficient.

7th. To authorize Cubans to serve a foreign country in a military capacity, or accept from another government employment or honors that may imply authority or jurisdiction of their own.

8th. To approve treaties that the President of the Republic may negotiate with other Nations.

9th. To require the appearance of Ministers of Government to answer

interpellations that may have a definite object, in accordance with the Constitution.

10th. The other powers emanating from this Constitution.

THIRD SECTION

Concerning the Chamber of Representatives, Its Composition, and Powers and Duties

ART. 123. The Chamber of Representatives shall be composed of one Representative for every 35,000 inhabitants or fraction greater than 17,500. Representatives shall be elected by Provinces for a term of four years by universal, equal, direct, and secret suffrage, in a single day, and in the form that the law may prescribe. The law shall determine the numerical basis of proportionality in each Province, in accordance with the latest official national census of population.

The Chamber of Representatives shall be renewed by halves every two years.

ART. 124. To be a Representative it is necessary:

1st. To be Cuban by birth or by naturalization, and in the latter case with ten years' continuous residence in the Republic, counted from the date of naturalization.

2nd. To have reached twenty-one years of age.

3rd. To be in full enjoyment of civil and political rights.

4th. Not to have belonged to the armed forces of the Republic in active service during the two years immediately prior to the date of his designation as candidate.

ART. 125. It is within the jurisdiction of the Chamber of Representatives:

1st. To accuse the President of the Republic and the Ministers of Government in the cases determined in Clauses (a) and (b) [i.e., 1st and 2nd Clauses] of Article 122 before the Senate when two-thirds of the total number of Representatives approve the accusation in secret session.

2nd. To have priority in the discussion and approval of the general budgets of the Nation.

3rd. To have all other powers that may be granted by this Constitution.

FOURTH SECTION

Provisions Common to the Colegislative Bodies

ART. 126. The offices of Senator and Representative are incompatible with any other office paid as a charge upon the State, Province, or municipality, or upon agencies maintained wholly or partially by public funds, with the exception of the office of Minister of Government and that of professor in an official establishment, obtained prior to the election.

The members of the legislative branch may be appointed as Ministers of Government, but in no case may more than half of the members of the Council of Ministers hold both offices.

Senators and Representatives shall receive from the State a stipend that shall be equal for both offices. The amount of this stipend may be altered at any time, but the change may not take effect until the colegislative bodies have been renewed.

ART. 127. Senators and Representatives shall be inviolable for the opinions and votes that they may register in the exercise of their offices.

Senators and Representatives shall not be arrested or prosecuted, except with the authorization of the body to which they belong. If the Senate or Chamber of Representatives should not decide upon the requested authorization within forty consecutive days after the opening of the Legislature and after receiving a writ from a judge or tribunal, the authorization for instituting proceedings and subjecting the Senator or Representative to the same shall be understood to be granted. The case shall not be prosecuted if the body to which the legislator belongs refuses authorization to continue the proceedings.

In case of being apprehended *in flagrante delicto* in the commission of a crime, a legislator may be arrested without the authorization of the body to which he belongs. In this case and in that of a legislator being arrested or prosecuted when the Congress is not in session, notice shall immediately be given to the president of the respective body, who must immediately call the colegislative body concerned into extraordinary session to decide exclusively upon the authorization requested by the judge or tribunal. If the request shall not be refused within the twenty ordinary sessions counted from the date of this notification, the authorization shall be understood to be granted.

Any agreement granting or refusing the request for authorization to prosecute or arrest a member of the Congress must be preceded by a reading of the antecedent events, that shall be the basis for the decisions that the respective colegislative body may adopt.

ART. 128. The Senate and the Chamber of Representatives shall open and close their sessions on the same day, shall reside in the same city, and may not be moved to any other place, and their sessions may not be suspended for more than three days except with the agreement of both.

A legislative term may not be opened or go into session without the presence of one-half plus one of the total of members of each body. Verification of the quorum shall be made by roll call.

Parliamentary immunity does not include or protect acts that may be related to the veracity and legitimacy of the records or to the formalities prescribed for the approval of laws.

Laws in all cases must be previously subjected to a roll call in their entirety.

No bill may be voted upon by a colegislative body without at least a prior consultative report of a committee of that body.

ART. 129. Each legislative body shall decide upon the validity of the election of its respective members and upon the resignations that they may present. No Senator or Representative may be expelled from the body to which he belongs except by virtue of cause previously determined, and with the approval of at least two-thirds of the total number of its members.

Each legislative body shall formulate its own by-laws and elect its president, vice-presidents, and secretaries from among its own members. The president of the Senate shall preside over sessions only in the absence of the Vice-President of the Republic.

ART. 130. No Senator or Representative may hold properties of the State by rent, directly or indirectly, or obtain contracts or concessions of any kind from the latter.

Likewise, no Senator or Representative may hold a position as legal consultant or director or any office that may imply jurisdiction, or in an enterprise that is foreign, or the business of which may be linked in any way to a foreign organization.

ART. 131. The relations between the Senate and the Chamber of Representatives not foreseen in this Constitution shall be governed by the law on relations between colegislative bodies. An appeal on grounds of unconstitutionality shall be open against any agreement that may violate the said law.

FIFTH SECTION

Concerning the Congress and Its Powers and Duties

ART. 132. The Congress shall be assembled twice a year in its own right and without the necessity of an order of convocation. The Congress shall function not less than sixty working days in each one of the legislative terms, and not more than 140 days in both legislative terms. One legislative term shall commence on the third Monday of September and the other on the third Monday of March.

The Senate and the Chamber of Representatives shall be assembled in extraordinary sessions in the cases and in the manner that their by-laws may determine or the Constitution and the law may establish, and when the President of the Republic convokes them in conformity with this Constitution. In such cases they shall occupy themselves exclusively with the matter or matters that provided the reason for their assembly.

ART. 133. The Senate and the Chamber of Representatives shall be assembled into one single body in order:

1st. To proclaim the President and Vice-President of the Republic, in view of the respective certificate of inspection transmitted by the superior electoral tribunal.

If this certificate should indicate a tie between two or more candidates, the Congress shall proceed to the selection of the President from the candidates who have received the tie in the general election.

If the Congress also should register a tie, the ballot shall be repeated; if the result of the latter is still the same, the vote of the president shall decide.

The procedure established in the preceding paragraphs shall be applicable to the Vice-President of the Republic.

2nd. To exercise jurisdiction in other cases that the law of relations between the two colegislative bodies may establish.

When the Senate and the Chamber of Representatives are assembled in one single body, the president of the Senate shall preside in his capacity as president of the Congress; and, in his absence or disability, the president of the Chamber of Representatives shall preside as vice-president of the same Congress.

ART. 134. Powers of the Congress that may not be delegated are:

1st. To enact codes and laws of a general character; to determine the system of the elections; to enact provisions relative to general, provincial, and municipal administration; and to approve other laws and resolutions that it may consider desirable upon any other matters of public interest, or that may be necessary to put this Constitution into effect.

2nd. To establish the taxes and imposts of a national character that may be necessary for the upkeep of the State.

3rd. To discuss and approve the budgets of expenditure and income of the State.

4th. To decide upon the annual reports that the tribunal of accounts may present concerning the settlement of the budgets, the state of the public debt, and the national currency.

5th. To approve loans, but with the obligation, at the same time, of voting the permanent revenues necessary for the payment of interest and amortization.

6th. To resolve what is necessary for the coining of money, determining its standard, fineness, value, and denomination, and to decide what it may consider necessary regarding the issuance of fiduciary notes, and upon the banking and financial system.

7th. To regulate the system of weights and measures.

8th. To enact provisions for the regulation and promotion of internal and foreign commerce, for agriculture and industry, insurance of labor and old age, maternity, and employment.

9th. To regulate the communication services, providing for the administration of the railways, highways, canals, and ports, and for transit by way of land, air, and sea, creating whatever the public convenience may require for this purpose.

10th. To fix rules and procedures for obtaining naturalization, and to regulate the supervision of aliens.

11th. To grant amnesty in accordance with this Constitution.

Amnesty for common crimes may be granted only by the favorable vote of two-thirds of the total of each one of the colegislative bodies, and ratified by the same number of votes in the following legislative session.

Amnesty for political crimes also requires the same extraordinary vote if homicide or assassination should be committed in relation with the same.

12th. To fix the quotas of the armed forces and approve their organization.

13th. To grant or refuse its confidence to the Council of Ministers, or to any of its members, in the form and on the occasions that this Constitution may determine.

14th. To subpoena the Council of Ministers, or any of its members, to answer interpellations that may be formulated for them. The summons must be made by each colegislative body with previous notification to the President of the Republic and to the Prime Minister, ten days in advance, indicating the business with which the interpellation shall deal.

The subpoenaed Minister may be accompanied, when required to answer an interpellation or give a report on a bill, by counselors whom he may designate, but these counselors shall be limited to presenting the technical information that the Minister being interpellated or giving the report may indicate.

15th. To declare war, and to approve treaties of peace that the President of the Republic may have negotiated.

16th. To approve all the laws for which this Constitution provides, and those laws that may arise in the development of the principles contained in the standards of this Constitution.

SIXTH SECTION

Concerning the Initiative and Formation of Laws, Their Sanction and Promulgation

ART. 135. Legislative initiative belongs:

1st. To the Senators and Representatives, in accordance with the regulatory provisions of each body.

2nd. To the Government.

3rd. To the Supreme Tribunal, in matters relative to the administration of justice.

4th. To the superior electoral tribunal, in matters within its competence.

5th. To the tribunal of accounts, in matters of its competence and jurisdiction.

6th. To the citizens. In this case, it shall be unalterably necessary that 10,000 citizens having status as voters shall be required to exercise this initiative.

Every legislative initiative shall be formulated as a proposition of law, and shall be sent to one of the colegislative bodies.

ART. 136. Laws as classified as ordinary and extraordinary.

Extraordinary laws are those that are indicated as such in the Constitution, the organic laws, and any others to which the Congress may give this character. All other laws are ordinary.

Extraordinary laws require for their approval the favorable votes of one-half plus one of the members of each colegislative body. The ordinary laws shall require the favorable votes of only an absolute majority of the members present in the session at which they may be approved.

ART. 137. A bill that obtains the approval of both colegislative bodies must be presented to the President of the Republic by the body that granted the final approval, within ten days following the said approval. The President of the Republic shall, within ten days after having received the bill, and after it has been approved by the Council of Ministers, sanction and promulgate the law, or return it, with the objections he may consider fitting, to the colegislative body from which it came. On receiving the bill, the said body shall officially take note of the objections and shall proceed with a new discussion of the bill.

If, after this discussion, two-thirds of the total of members of the colegislative body should vote in favor of the bill, it shall be passed, with the objections of the President, to the other body, which also shall discuss it, and, if the latter body also should approve it by an equal majority, it shall be law.

In all these cases the voting shall be by roll call.

If, within the ten working days after the transmission of the bill to the President of the Republic, he should not return it, it shall stand as sanctioned, and shall be law.

If, within the last ten days of a legislative session, a bill is presented to the President of the Republic, and he should propose to utilize the entire period that is allowed him in the preceding paragraph for the purpose of sanction, he shall communicate his intention, within a period of forty-eight hours, to the Congress, in order that the latter may remain assembled, if it so desires, until the expiration of the expressed period. If the President does not do so, the bill shall stand as sanctioned, and shall be law.

No bill that has been totally rejected by either of the colegislative bodies may be discussed anew in the same legislative session.

A bill approved by one of the colegislative bodies shall be discussed and decided by the other and shall have preference therein. This provision does not apply to extraordinary laws.

Every law shall be promulgated within the ten days following that of its sanction.

TITLE X

Concerning the Executive Power

FIRST SECTION

Concerning the Exercise of the Executive Power

ART. 138. The President of the Republic is the chief of the State and represents the Nation. The executive power is exercised by the President of the Republic with the Council of Ministers, in accordance with what is established by this Constitution.

The President of the Republic acts with directive power and as moderator of national solidarity.

SECOND SECTION

The President of the Republic, His Powers and Duties

ART. 139. To be President of the Republic it is necessary:

1st. To be Cuban by birth, but if this status results from the provision in Clause (d) [i.e., 4th Clause] of Article 12 of this Constitution, it shall be necessary to have served with the armed forces of Cuba in the Wars of Independence for at least ten years.

2nd. To have reached thirty-five years of age.

3rd. To be in full enjoyment of civil and political rights.

4th. Not to have belonged to the armed forces of the Republic in active service during the year immediately preceding the date of designation as presidential candidate.

ART. 140. The President of the Republic shall be elected by universal, equal, direct, and secret suffrage, in a single day, for a term of four years, in conformity with the procedure that the law may establish.

The computing of the vote shall be made by Provinces. The number of provincial votes equal to the total of Senators and Representatives, who, in conformity with the law, have the function of choosing the electoral college of the respective Province, shall be counted in favor of the candidate who obtains the greatest number of votes in each of the Provinces, and the candidate shall be considered elected who receives the greatest number of provincial votes accumulated throughout the Republic.

A person who has once held the office may not discharge it again for eight years after having left office.

ART. 141. The President of the Republic shall swear or affirm before the Supreme Tribunal of Justice, on taking possession of his office, faithfully to discharge his duties, complying with and enforcing the Constitution and the laws.

ART. 142. It is the function of the President of the Republic, assisted by the Council of Ministers:

1st. To sanction and promulgate the laws, to execute them and enforce their execution; to enact, when the Congress does not do so, the regulations for the best execution of said laws; to issue decrees and orders which, for this purpose, and as far as is incumbent upon the Government and the administration of the State, may be proper, without in any case contravening what is established in the laws.

2nd. To call the Congress or the Senate alone into extraordinary session, in the cases stipulated by this Constitution, or when it may be necessary.

3rd. To suspend sessions of the Congress when agreement to that effect may not have been reached between the colegislative bodies.

4th. To present to the Congress at the beginning of each legislative session, and provided that it may be opportune, a message concerning the acts of administration covering the general state of the Republic, and to recommend or initiate the adoption of laws and resolutions that he may consider necessary or useful.

5th. To present the annual budget bill to the Chamber of Representatives, sixty days before the date on which it must go into effect.

6th. To communicate to the Congress whatever information the latter may require, directly, or by means of interpellations of the Government, upon all classes of matters in which secrecy is not required.

7th. To direct diplomatic negotiations and to negotiate treaties with other Nations, with the obligation of submitting such treaties to the approval of the Senate, without which requisite they shall not be valid and shall not obligate the Republic.

8th. To appoint, with the approval of the Senate, the president, presidents of the chamber, and Magistrates of the Supreme Tribunal of Justice, in the form that this Constitution provides, as well as the chiefs of diplomatic missions.

9th. To appoint the appropriate officials for the discharge of any other offices instituted by law in case their designation is not attributed to other authorities.

10th. To suspend the exercise of the rights enumerated in Article 41 of this Constitution, in the cases and in the form established by the same.

11th. To grant pardons in accordance with what the Constitution and the laws may prescribe, except in matters of crimes of electoral fraud. In order to pardon officials and public employees penalized for crimes committed in the exercise of their functions, it shall be necessary that the latter shall have completed at least a third part of the penalty that the tribunals have imposed upon them.

12th. To receive the diplomatic representatives and admit the consular agents of other Nations.

13th. To dispose of the armed forces of the Republic, as supreme chief of the same.

14th. To provide for the defense of the national territory and the preservation of internal order, giving account to the Congress. In case of danger of invasion, or in case a rebellion seriously menaces public security, and the Congress is not in session, the President may convoke it without delay in order that the necessary action may be taken.

15th. To comply with and enforce whatever rules, orders, and provisions the superior electoral tribunal may agree upon and enact.

16th. To appoint and freely remove the Ministers of Government, giving account to the Congress; to replace them on such occasions as may develop in accordance with this Constitution, and, as the case may be, to support the decisions of the Council.

17th. To exercise the other powers that the Constitution and the law may expressly confer.

ART. 143. All decrees, orders, and decisions of the President of the Republic must be countersigned by the corresponding Minister, without which requisite they shall lack obligatory force. This endorsement shall not be necessary in the case of appointment of Ministers of Government.

ART. 144. The President may not leave the territory of the Republic without the authorization of the Congress.

ART. 145. The President shall be responsible before the plenum of the Supreme Tribunal of Justice for crimes of common character that he may commit during the exercise of his office, but he may not be prosecuted except with the prior authorization of the Senate, given by an affirmative vote of two-thirds of its members. In this case the Tribunal shall decide whether or not to suspend him from his functions until sentence is pronounced.

ART. 146. The President shall receive from the State a salary that may be altered at any time; but this change shall not have effect until the presidential term following that in which such change may have been granted.

TITLE XI

Concerning the Vice-President of the Republic

ART. 147. There shall be a Vice-President of the Republic who shall be elected in the same form and for the same period of time as the President, and jointly with him. To be Vice-President it is necessary to have the same qualifications that this Constitution prescribes for the President.

ART. 148. The Vice-President of the Republic shall replace the President in cases of absence, incapacity, or death. If the vacancy should be permanent, the substitution shall continue until the termination of the presidential term. In case of the absence, incapacity, or death of both, the president of the Congress shall substitute for them for the rest of the term.

ART. 149. In any case in which the presidential substitutes established by this Constitution should be lacking, the oldest Magistrate of the Supreme

Tribunal shall occupy the presidency of the Republic in the interim, and shall call national elections within a period of not more than ninety days.

In case the vacancy should occur within the last year of the presidential term, the substitute Magistrate shall hold the office until the end of the term.

The person occupying the presidency in any of the substitutions referred to in the preceding articles may not be a presidential candidate for the next election.

ART. 150. The Vice-President of the Republic exercises the presidency of the Senate, and shall have a vote only in case of a tie.

The Vice-President shall receive a salary from the State that may be altered at any time, but no change shall have effect until the presidential term following that in which such change may have been granted.

TITLE XII

Concerning the Council of Ministers

ART. 151. For the exercise of the executive power the President of the Republic shall be assisted by a Council of Ministers, composed of the number of members determined by law.

One of these Ministers shall hold the title of Prime Minister, by designation of the President of the Republic, and may discharge his office with or without portfolio.

ART. 152. To be a Minister it is necessary:

- 1st. To be Cuban by birth.
- 2nd. To have reached thirty years of age.
- 3rd. To be in full enjoyment of civil and political rights.
- 4th. To have no business relations with the State, the Provinces, or the municipalities.

ART. 153. Each Minister shall have one or more Subsecretaries who shall substitute for him in cases of temporary absence or disability.

ART. 154. The President of the Republic shall preside over the Council of Ministers. When the President does not attend sessions of the Council, the Prime Minister shall preside over it. The Prime Minister shall represent the general policy of the Government, and shall represent the latter before the Congress.

ART. 155. The Council of Ministers shall have a secretary in charge of keeping the records of the Council, certifying their decisions, and expediting the business of the presidency of the Republic and of the Council of Ministers.

ART. 156. The Ministers shall have charge of the offices of their respective ministries and shall deliberate and decide upon all questions of general interest that do not fall within the jurisdiction of other dependencies or authorities, and shall exercise the powers belonging to them in accordance with the Constitution and the law.

ART. 157. Decisions of the Council of Ministers are taken by a majority of votes in sessions at which one-half plus one of the Ministers attend.

ART. 158. The Ministers of Government shall be individually responsible for measures that they countersign and collectively responsible for measures that they jointly approve or authorize.

ART. 159. The Prime Minister and the Ministers of Government are criminally responsible before the Supreme Tribunal of Justice for common crimes that they may commit in the exercise of their offices.

ART. 160. The ministries of education, of health and social assistance, of agriculture, and of public works shall act exclusively as technical organizations.

ART. 161. The Prime Minister and the Ministers of Government shall swear or affirm before the President of the Republic faithfully to comply with the duties inherent in their offices, as well as to observe and enforce the Constitution and the law.

ART. 162. It shall be the function of the Prime Minister to expedite, with the President of the Republic, the matters of the general policy of the Government, and with the assistance of the Ministers, the affairs of the respective departments.

ART. 163. The powers and duties of the Ministers are:

1st. To comply with and enforce the Constitution, the laws, decree-laws, decrees, regulations, and other resolutions and provisions.

2nd. To write bills, regulations, decrees, and any other resolutions, and to present them for the consideration of the Government.

3rd. To countersign, jointly with the Prime Minister, the laws and other documents authorized with the signature of the President of the Republic, with the exception of decrees for the appointment or removal of Ministers.

4th. To attend the Congress, on the invitation of the latter, or at the instance of either of its bodies, to report before them, to answer interpellations, to deliberate therein, and to propose votes of confidence individually or collectively.

A Minister who is a Congressman shall have the right to vote only in the body to which he belongs.

TITLE XIII

SOLE SECTION

Concerning the Relations between the Congress and the Government

ART. 164. The Prime Minister and the Council of Ministers are responsible to the Chamber and the Senate for their acts of government. The latter bodies may give or refuse a vote of confidence in the Prime Minister, a single Minister, or in the Council as a whole, in the form specified by this Constitution.

ART. 165. Each colegislative body may determine upon the total or partial

removal of the Government, raising the question of confidence, which shall be presented by means of a motion in writing with reasons, and with the signatures of at least a third part of the members. This motion shall immediately be communicated to the remaining members of the respective body and shall be discussed and voted upon eight calendar days after its presentation. If the motion is not decided within fifteen days following the said presentation, it shall be considered rejected.

To be validly approved, these motions shall require an affirmative majority of one-half plus one of the total of members of the Chamber of Representatives or of the Senate, respectively, which must always be obtained by a roll-call vote.

A case in which the outcome of a ballot is against a bill presented by the Government or by a Minister, or a case of reconsideration of a bill returned by the President of the Republic, shall in no way obligate the Prime Minister or the Ministers to resign their offices.

If a question of confidence is raised simultaneously in both colegislative bodies, that introduced in the Chamber of Representatives shall have priority.

ART. 166. Crises in questions of confidence may be total or partial. Those that concern the Prime Minister or that concern more than three Ministers shall be considered total. Others shall be considered partial.

ART. 167. The power of refusing confidence in the entire Government, in the Prime Minister, or in any of those who form a part of the Council, may not be exercised until at least six months after the appointment of the Council of Government for the first time, or after a later occurrence of a total crisis in which a motion of lack of confidence has been approved by the respective colegislative body, according to the rules established in this Constitution. Ministers whose appointments were occasioned by the removal of their predecessors in a partial crisis may not be submitted to a vote of no confidence until six months after their designation, except in a question of total crisis.

If a motion of no confidence should result favorably in either of the colegislative bodies, another such motion may not be raised again for one year; in such event, the said power of refusing confidence shall belong to the other colegislative body, which in no case may exercise the said power until at least six months after the appointment of the Government of Ministers to whom the said question refers.

Two partial crises shall be the equivalent of one total crisis for the purposes of the six-month restriction to which this article refers.

In no case may questions of confidence be raised within the last six months of each presidential term.

The Council of Ministers may itself raise the question of confidence in regard to the whole of its members or with respect to any of the Ministers. In this case the question shall be discussed and decided immediately.

The fact of a motion of confidence demanded by the Government having

been previously decided does not impede or restrict the Congress from freely exercising its right to raise such motions of confidence.

ART. 168. In any case in which a vote of confidence is refused the Government or any of its members, the entire Government, or those of its members affected by the vote of lack of confidence, must resign within forty-eight hours following the parliamentary decision, and in default thereof shall be considered removed and the President of the Republic shall so declare.

The outgoing Minister shall continue provisionally in his office after resignation, until his successor takes office.

ART. 169. Passage of a vote of no confidence in the entire Council of Ministers or in any of its members only signifies disagreement, on the part of the colegislative body that raised the question, with the policy of the Minister, or with that of the Government as a whole.

A vote of no confidence necessarily implies that Ministers whose policy was the object of the vote may not be appointed to the same portfolios in the Cabinet that is formed or re-formed immediately after the crisis.

TITLE XIV

Concerning the Judicial Power

FIRST SECTION

General Provisions

ART. 170. Justice is administered in the name of the people, and its dispensation shall be free throughout the national territory.

Judges and prosecutors are independent in the exercise of their functions, and owe no obedience except to the law.

Justice may be administered only by persons who permanently belong to the Judiciary. No member of this branch may exercise any other profession.

The registries of civil status are in charge of members of the Judiciary.

ART. 171. The judicial power is exercised by the Supreme Tribunal of Justice, the superior electoral tribunal, and the other tribunals and courts that the law may establish. The law shall regulate the organization of the tribunals, their powers, the means of exercising them, and the qualifications required of the officials who compose them.

SECOND SECTION

Concerning the Supreme Tribunal of Justice

ART. 172. The Supreme Tribunal of Justice shall be composed of the chambers that the law may determine.

One of these chambers shall constitute the tribunal of constitutional and social guarantees. Upon recognition that constitutional matters are involved, the president of the Supreme Tribunal shall necessarily preside, and the tri-

bunal itself shall be composed of not less than fifteen Magistrates. When social matters are involved it shall be composed of not less than nine Magistrates.

ART. 173. To be president or a Magistrate of the Supreme Tribunal of Justice it is necessary:

1st. To be Cuban by birth.

2nd. To have reached forty years of age.

3rd. To be in full enjoyment of civil and political rights, and never to have been sentenced to corporal punishment for a common crime.

4th. To meet, in addition, any of the following qualifications:

To have practiced the profession of law in Cuba for at least ten years, or to have discharged judicial or prosecuting functions for an equal time, or to have held, for the same number of years, a professorship of law in an official institution of learning.

For the purposes of the preceding paragraph, the periods in which the appointees for president or Magistrate of the Supreme Tribunal of Justice may have practiced the profession of law and exercised judicial or prosecuting functions may be added together.

ART. 174. The Supreme Tribunal of Justice, in addition to the other powers and duties that this Constitution and the law stipulate, shall have the following:

1st. To accept jurisdiction over appeals in cassation.

2nd. To adjust questions of competence between tribunals that are immediately inferior, or that do not have a common superior, and questions that may arise between the judicial authorities and other kinds of authorities of the State, Province, and municipality.

3rd. To accept jurisdiction over verdicts that the State, Provinces, and municipalities may contest among themselves.

4th. To decide upon the constitutionality of the laws, decree-laws, decrees, regulations, agreements, orders, provisions, and other acts of any other agency, authority, or official.

5th. To decide, in final instance, upon suspension or removal from office of local and provincial officials, in conformity with what is provided by this Constitution and the law.

ART. 175. The judicial career is instituted. Entry into the same shall be made by means of competitive examinations except in the case of Magistrates of the Supreme Tribunal.

ART. 176. In the appointment of magistrates of the provincial supreme court, three procedures shall be observed: the first, the concept of promotion by strict seniority from the lower category; the second, by means of a competitive examination among those who occupy the immediately inferior category; and third, by means of practical and theoretical competitive examinations given to persons able to compete, judicial officials, and public attorneys, as well as lawyers not over sixty years of age. Practicing lawyers must meet

the same requirements as are necessary for being appointed Magistrates of the Supreme Tribunal.

ART. 177. Appointment of judges shall be made upon two procedures: one, by strict seniority in the lower category, and the other by competitive examination in which officials of the same and of the lower category may take part. In the first procedure to which this article and the preceding one refer, the vacancy shall be filled by a transfer, if there should be an official in an equivalent category who applies for the position, reserving entry or promotion for positions that definitely remain available in the category.

ART. 178. The chamber of government of the Supreme Tribunal shall determine, classify, and publish the merits to which the judicial officials of each category are entitled toward their turn for promotion.

ART. 179. In cases of competitive examination, the transfers and promotions shall necessarily be granted to the official who applies for the position and who is in the same category or the one immediately inferior, and who obtains the best grade. The Supreme Tribunal shall establish the standard of grading by categories, verifying the said grading semi-annually with exclusive consideration of the ability, judgment, merit, and judicial activity of each individual.

ART. 180. Magistrates of the Supreme Tribunal shall be appointed by the President of the Republic from a panel proposed by an electoral college of nine members. These shall be designated: four by the plenum of the Supreme Tribunal from its own body, three by the President of the Republic, and two by the faculty of law of the University of Havana. The last five must meet the qualifications required of Magistrates of the Supreme Tribunal, and those designated by the faculty of law may not belong to the same.

The electoral college is formed for each designation, and its members who are not Magistrates may not again be made a part of this body until four years have elapsed.

The president of the Supreme Tribunal and the presidents of a chamber shall be appointed by the President of the Republic, on the proposal of the plenum of the Tribunal. These appointments and those of the Magistrates of the Supreme Tribunal must receive the approval of the Senate.

The panel to which the first paragraph of this article refers shall include at least one judicial official in active service who has discharged these duties for a minimum period of ten years, if there be such an official.

ART. 181. The appointments, promotions, transfers, exchanges, suspensions, corrections, pensionings, leaves of absence, and abolition of positions shall be made by a special chamber of government composed of the president of the Supreme Tribunal and of six members of the same, annually elected among the presidents of the chamber and Magistrates of the said Tribunal.

No person may be a part of this chamber of government for two successive years.

All newly created positions shall include compensations in conformity with the provisions of this Constitution.

The regulatory powers, as far as concerns the internal order of the tribunals, shall be exercised by the chamber of government of the Supreme Tribunal of Justice, in accordance with the provisions of the organic law of the Judiciary.

THIRD SECTION

Concerning the Tribunal of Constitutional and Social Guarantees

ART. 182. The tribunal of constitutional and social guarantees is competent to accept jurisdiction in the following matters:

1st. Appeals of unconstitutionality against laws, decree-laws, decrees, resolutions, or acts that may deny, diminish, restrict, or violate the rights and guarantees embodied in this Constitution, or that may impede the free functioning of the organs of State.

2nd. Advisory opinions sought by judges and tribunals upon the constitutionality of laws, decree-laws, and other provisions that they may have to apply in trials.

3rd. The recourse of *habeas corpus*, by way of appeal, or when the claim has been unsuccessful before other authorities or tribunals.

4th. The validity of proceedings and of constitutional amendment.

5th. Juridico-political questions and those of social legislation that the Constitution and the law may submit for its consideration.

6th. Appeals against abuses of power.

ART. 183. The following may appeal to the tribunal of constitutional and social guarantees without the necessity of posting a bond:

1st. The President of the Republic, the president and any one of the members of the Council of Government, the Senate, the Chamber of Representatives, the tribunal of accounts, the governors, mayors, and councilors.

2nd. Judges and tribunals.

3rd. The Ministry of Justice.

4th. The universities.

5th. The autonomous departments authorized by the Constitution or the law.

6th. All persons individually or collectively who may have been affected by an act or provision that they consider unconstitutional.

Persons not included in any of the preceding clauses may also appeal to the tribunal of constitutional and social guarantees, provided that they post the bond that the law may indicate.

The law shall establish the manner in which the tribunal of constitutional and social guarantees shall function, and the procedure for submission of evidence on appeals made before the same.

FOURTH SECTION

Concerning the Superior Electoral Tribunal

ART. 184. The superior electoral tribunal shall be composed of three Magistrates of the Supreme Tribunal of Justice, and two of the provincial supreme court of Havana, appointed for a term of four years by the plenums of their respective tribunals.

The presidency of the superior electoral tribunal shall be held by the oldest of the three Magistrates from the Supreme Tribunal. Each one of the members of the tribunal shall have two alternates appointed by the body from which he comes.

ART. 185. In addition to the powers that the electoral laws may confer upon it, the superior electoral tribunal is invested with full powers for guaranteeing the integrity of suffrage, controlling and intervening as it may consider necessary in all the census enumerations, elections, and other electoral acts; in the formation and organization of new parties, reorganization of existing ones, nomination of candidates, and proclamation of those elected.

It shall also have power:

1st. To decide upon electoral claims that the law may submit to its jurisdiction and competence.

2nd. To enact general and special instructions necessary for the fulfillment of electoral legislation.

3rd. To determine, in case of appeal, the procedure required for establishing the validity or nullity of an election and the proclamation of candidates.

4th. To enact mandatory instructions and provisions for the armed forces and police for the maintenance of order and electoral freedom during the period of census enumeration, of organization and reorganization of parties, and during the interim between the call for elections and the conclusion of the verification of the vote.

In case of grave disturbance of public order, or when the tribunal considers that there do not exist sufficient guarantees, it may order the suspension or nullification of all electoral acts and operations in the territory affected, although constitutional guarantees are not suspended.

ART. 186. The law shall organize the electoral tribunals. In order to form them, the law may require the services of judicial officers.

Jurisdiction over electoral complaints is reserved to electoral tribunals. Nevertheless, the law shall determine the matters in which, as exceptions, appeals may be taken from the decisions of the superior electoral tribunal to the tribunal of constitutional and social guarantees.

ART. 187. The administrative tenure of electoral employees and officials, subordinate to the supreme jurisdiction of the superior electoral tribunal, is

established, and the permanent employees of the electoral councils are declared irremovable.

The compensation fixed for these permanent officials and employees by the electoral code may not be altered, except under conditions and circumstances established for judicial officials and employees. The law may not assign different salaries to positions of equal rank, category, and function.

FIFTH SECTION

Concerning the Ministry of Justice

ART. 188. The Ministry of Justice represents the people in the administration of justice, and its basic purpose is to supervise compliance with the Constitution and the law. The officials of the Ministry of Justice shall be irremovable and independent in their functions, with the exception of the prosecuting attorney of the Supreme Tribunal, who shall be appointed and may be removed freely by the President of the Republic.

ART. 189. Entrance into the prosecuting career shall be by means of competitive examination, and promotion shall be effected in the form that this Constitution establishes for judges. Appointments, including those to newly created positions, promotions, transfers, suspensions, readjustments, leaves of absence, removals, and pensioning of officials of the Ministry of Justice, and approval of their exchange or resignation, shall be made in accordance with the provisions of the law.

ART. 190. The prosecuting attorney of the Supreme Tribunal of Justice shall meet the qualifications required of Magistrates of the Supreme Tribunal; the assistant attorneys of the same Tribunal, and the prosecutors of the other tribunals, must be Cuban by birth, must have reached thirty years of age, and must be in full enjoyment of civil and political rights. The other officials of the Ministry of Justice shall meet the qualifications that the law may stipulate.

ART. 191. When the Government is involved in or is a party to any proceedings, the interests of the Government shall be represented by State attorneys, who shall constitute a body, the organization and functioning of which shall be regulated by law.

SIXTH SECTION

Concerning the Superior Council of Social Defense and the Tribunals for Minors

ART. 192. There shall be a superior council of social defense which shall be in charge of the execution of penalties and measures of security that involve the deprivation or limitation of individual liberty, as well as the organization, direction, and administration of all establishments or institutions that may be required for the most effective prevention and suppression of crime.

This body, which shall enjoy autonomy for the exercise of its technical and administrative functions, shall also have in its charge the concession and revocation of conditional freedom, in accordance with the law.

ART. 193. Tribunals for minors are established.

The law shall regulate their organization and functioning.

SEVENTH SECTION

Concerning Unconstitutionality

ART. 194. A declaration of unconstitutionality may be sought:

1st. By the interested parties in trials, suits, or businesses in which ordinary or special jurisdiction is accepted.

2nd. By twenty-five qualified citizens.

3rd. By the person affected by the provision deemed unconstitutional.

The judges and tribunals are obliged to decide conflicts between the laws in force and the Constitution, following the principle that the latter shall always prevail over the former.

When a judge or tribunal considers any law, decree-law, decree, or provision inapplicable because he deems that it violates the Constitution, he shall suspend the proceedings and submit the matter to the tribunal of constitutional and social guarantees for the purpose of asserting or denying the constitutionality of the provision in question and shall return the matter to the lower court to continue the proceedings, issuing the measures of safeguard that may be pertinent to the case.

In administrative procedure, the question of unconstitutionality may be raised when litigious administrative problems are involved. If the laws do not provide such recourse, the appeal of unconstitutionality may be raised directly against the administrative decision.

The appeal of unconstitutionality in the cases enumerated in Articles 131, 174, 182, and 186 of this Constitution shall be placed directly before the tribunal of constitutional and social guarantees.

In all appeals of unconstitutionality the tribunals shall always decide the validity of the claim. If the appeal should suffer from any defect of form, the said tribunals shall grant a time for the party making the appeal to correct such defects.

No law, decree-law, decree, regulation, order, provision, or measure that has been declared unconstitutional may be applied in any case or form, under penalty of disqualification from the exercise of public office.

The verdict in which the unconstitutionality of a legal precept or measure, or administrative resolution, is declared, shall obligate the body, authority, or official which may have enacted the annulled provision to repeal it immediately.

In all cases the legislative or regulatory provision or governmental measure

declared unconstitutional shall be considered null and without force and effect from the date of publication of the verdict in the chambers of the tribunal.

ART. 195. The Supreme Tribunal and the tribunal of constitutional and social guarantees are obliged to publish their verdicts in the proper official periodical without delay.

A sum shall be fixed annually in the budget of the Judiciary for defraying the expense of such publication.

EIGHTH SECTION

Concerning Jurisdiction and Irremovability

ART. 196. The ordinary tribunals shall have jurisdiction over all trials, suits, or businesses, whatever may be the jurisdiction to which they belong, with the sole exception of cases of military crimes or acts occurring in the service of the armed forces, which shall be submitted to military jurisdiction.

Upon commission of such crime jointly by soldiers and persons not enjoying immunity, or when one of the latter is a victim of the crime, the case shall fall within ordinary jurisdiction.

ART. 197. In no case may tribunals, commissions, or bodies be created to which special competence is granted for accepting jurisdiction over acts, proceedings, suits, contingencies, questions, or businesses assigned to the jurisdiction of the ordinary tribunals.

ART. 198. The tribunals of the naval and land forces shall be governed by a special organic law and shall have jurisdiction only over strictly military crimes committed by the members of said forces. In case of war or grave disturbance of public order, military jurisdiction shall extend over all crimes and offenses committed by soldiers in the territory in which the state of war actually exists, in accordance with the law.

ART. 199. The civil and criminal responsibility that judges, magistrates, and public attorneys may incur in the exercise of their functions, or by reason of said functions, shall be subject to accounting before the Supreme Tribunal of Justice.

ART. 200. Judicial officials and those of the Ministry of Justice, public defenders, as well as their assistants and deputies, are irremovable. By virtue of this, said officials may not be suspended or separated except for reason of crime or other duly accredited grave cause, and always after a hearing of the accused. These officials may be suspended from the exercise of their functions at any stage of the proceedings.

A judge, magistrate, prosecutor, or court attorney, when prosecuted in a criminal case, shall be immediately suspended from the exercise of his functions.

The transfer of judges, magistrates, prosecutors, or court attorneys may not

be effected except by means of a corrective disciplinary procedure, or for the reasons of public convenience that the law may establish. However, officials of the Ministry of Justice may be transferred in cases of vacancy, if they so request.

ART. 201. The offices of secretaries and assistants of the administration of justice shall be allotted *according to the alternative systems of transfers and promotions* by seniority or merit, the latter being determined by competitive examination in the form that the law may fix, and in accordance with the personnel list that the chamber of government of the Supreme Tribunal of Justice shall draw up and publish.

ART. 202. The law shall establish the grounds for punishment, transfer, and removal, as well as the procedure for the respective measures.

ART. 203. Compliance with judicial decisions is mandatory. The law shall establish the *guarantees necessary for making these decisions effective* in case authorities, officials, employees of the State, Province, or municipality, or members of the armed forces should resist them.

ART. 204. Sentences pronounced by correctional judges in cases of crime may be appealed before the tribunal that the law may determine and under proceedings regulated by law.

ART. 205. The Government has no power to declare a binding decision of the tribunals prejudicial. In case the Government is unable to enforce the decision, it shall indemnify the injured party in the proper manner, requesting the Congress to appropriate the necessary funds, if they are not on hand.

ART. 206. The salaries of officials and employees of the administration of justice, of the Ministry of Justice, and the permanent officials and employees of the electoral bodies may not be altered except by a vote of two-thirds of each one of the colegislative bodies, and at periods of not less than five years.

Different salaries may not be established for offices of equal rank, category, and function.

The salaries assigned to Magistrates of the Supreme Tribunal of Justice, and to the other officials of the Judiciary, must in all cases be adequate to the importance and far-reaching consequences of their functions.

ART. 207. No member of the Judiciary may be a Minister of Government or discharge any function assigned to the legislative or executive branches, except as a member of a commission designated by the Senate or the Chamber of Representatives for the revision of laws. Members of the Judiciary likewise may not stand as candidates for any elective office.

ART. 208. Criminal responsibility of the president, the presidents of the chamber, and Magistrates of the Supreme Tribunal of Justice, and the grounds for their removal from office, shall be established according to the following procedure:

The Senate of the Republic shall be competent to accept jurisdiction of charges against the said officials. On receipt of charges, the Senate shall

appoint a committee to study them and the committee shall then submit its findings to the Senate. If the Senate, by a vote of two-thirds of its members, cast by secret ballot, considers the charges well founded, the proper proceedings shall be opened before a tribunal that shall be called the grand jury, composed of fifteen members, appointed in the following manner:

The president of the Supreme Tribunal shall send to the president of the Senate the complete list of the members of that body not affected by the accusation.

The president of the Chamber of Representatives shall send to the president of the Senate the list of members of the Chamber of Representatives.

The rector of the University of Havana shall send to the president of the Senate the complete list of titular professors of the faculty of law.

The President of the Republic shall send to the president of the Senate a list of fifty lawyers, chosen freely by him, who meet the qualifications required for Magistrates of the Supreme Tribunal.

On receipt of these lists by the president of the Senate, the latter, in public session of the said body, shall proceed to select the members of the grand jury by ballot:

Six from the Supreme Tribunal of Justice. In default of said number, this group shall be completed by the same procedure from a list including the president and the magistrates of the provincial supreme court of Havana, sent to the president of the Senate by the president of said provincial supreme court.

Three members from the Chamber of Representatives.

Three members from the faculty of law of the University of Havana; and,

Three members from the list of fifty lawyers.

The judicial official of the highest rank shall preside over this tribunal, and in his absence, the oldest member present shall so preside.

The Senate, after having once designated the grand jury, shall forward the charges to the latter for judicial proceedings. After sentence is pronounced, the grand jury shall be dissolved.

TITLE XV

Concerning the Municipal System

FIRST SECTION

General Provisions

ART. 209. The municipality is the local community politically organized by authorization of the Legislature, within the territorial extent determined by the necessary relationships of neighborhoods on a basis of economic ability to provide for the expenses of its own government, and with juridical personality for all legal purposes.

The law shall determine the territory and the name of each municipality and the place of residence of its government.

ART. 210. The municipalities may associate with one another for inter-municipal purposes by agreement of their respective councils or commissions. Some municipalities may also be incorporated into others, or divided in order to constitute new municipalities, may alter their boundaries, by popular initiative and with the approval of the Congress, after presentation of the opinions of the respective councils or commissions.

In order to approve the separation of a section of one municipal district to join it to another or other adjacent municipal districts, it shall be necessary that at least ten per cent of the inhabitants of the section of territory to be separated so request, and that in a referendum election sixty per cent of the voters of the said section are shown to be in favor of the separation.

If the results of the referendum should be favorable to the proposed separation, the matter shall be brought before the Congress for final decision.

In stipulating new territorial boundaries and effecting the division of property, the rights of private property appertaining to the ceding municipality or buildings it may have acquired or constructed in the section to be ceded, shall be respected, without prejudice to the right of the receiving municipality to the proportional share belonging to it for what it may have contributed in the acquisition or construction of such buildings.

As regards the constitution of a new municipality, it shall be the function of the tribunal of accounts to report upon the economic ability of the same to maintain its own government.

ART. 211. The municipal government is an entity with power to satisfy the particular collective needs of the local community, and is, in addition, an auxiliary organ of the central authority exercised by the State throughout the national territory.

ART. 212. The municipality is autonomous. The municipal government is invested with all the powers necessary for freely disposing of the business of the local community.

The powers with which the municipality is not invested by this Constitution are reserved for the national Government.

The State may supplement municipal efforts when the latter may be insufficient, in case of epidemics, grave disturbance of public order, or other occasions of public interest, in the form that the law may determine.

ART. 213. It shall be within the special jurisdiction of municipal government:

1st. To administer all local public services; to purchase, construct, and operate enterprises of public service, or to grant said services by concession or contract, with all the guarantees that the law may establish; and to acquire the properties necessary for the purposes indicated by expropriation or by

purchase. The municipal governments may also operate enterprises of an economic character.

2nd. To carry out local public improvements and to acquire by purchase, in agreement with the owners or by means of expropriation, the properties directly necessary for the projected work, as well as properties that may serve to defray the cost of the same.

3rd. To establish and administer schools, museums, and public libraries, fields for physical education, and recreation fields, without prejudice to what the law may provide concerning education; and to adopt and execute, within the boundaries of the municipality, rules of sanitation and local vigilance and other similar provisions not contrary to the law; as well as to encourage the establishment of producers' and consumers' co-operatives, expositions, and botanical and zoological gardens, all with the character of public service.

4th. To appoint municipal employees in accordance with what this Constitution and the laws may establish.

5th. To formulate its own budgets of expense and income and to establish the necessary taxes to cover them, provided that the latter may be compatible with the tax system of the State.

The municipalities may not reduce or abolish revenues of a permanent character without at the same time establishing others to take their place, except in case the reduction or abolition should correspond with an equivalent reduction or abolition of permanent expenditures.

Credits in the budgets for expenses shall be divided into twelve parts, and no attention shall be paid to the expenses of the current month until all preceding ones have been liquidated.

6th. To negotiate loans, voting at the same time the permanent revenues necessary for the payment of their interest and amortization.

No municipality may contract obligations of this kind except with the prior favorable report of the tribunal of accounts.

In the event that new taxes are approved for the payment of obligations referred to in the preceding paragraph, a referendum election shall also be necessary, in which at least one-half plus one of the votes cast by the voters of the municipal district are in the affirmative, except in case the voting is less than thirty per cent of the total number of voters in the said district.

7th. To contract economic obligations of deferred payment for defraying the cost of public works, with the duty of appropriating in the successive annual budgets the credits necessary to satisfy them, and provided that their payment shall not absorb the economic ability of the municipality to carry on other services that it has in its charge. No municipality may contract obligations of this kind without a prior favorable report by the tribunal of accounts, and also the favorable vote of two-thirds of the members who compose the council or the commission.

8th. The enumeration of these powers, as well as any others that the law may create, does not imply a limitation or restriction upon the general powers granted by the Constitution to the municipality, but merely the expression of a part of these general powers, without prejudice to what is provided in Article 212 of this Constitution.

Commerce, communication, and intermunicipal transportation may not be taxed by the municipality. Money speculation, or disloyal competition arising from measures adopted by the municipalities, is prohibited. Municipal taxes upon articles of primary necessity shall be regulated upon the bases that the law may establish.

ART. 214. The government of each municipality is obliged to satisfy the following minimum local requirements:

1st. The punctual payment of salaries and wages to municipal officials and employees, in accordance with the standard of living of the locality.

2nd. The maintenance of a lodging house and infirmary, a workshop, and a practical agricultural experimental school.

3rd. The maintenance of a public police force, and a fire extinguishing service.

4th. The functioning, at least in the principal town, of a school, a library, a popular cultural center, and a medical dispensary.

ART. 215. In each municipality, there shall be a planning commission, which shall have the obligation of devising means of extending and embellishing the city, and supervising its execution, taking account of the present and future necessities for public transportation, hygiene, beautification, and the common welfare.

The said commission shall be concerned with everything related to the dwellings of workers and shall propose plans for the manufacture of houses for rural workers, which may be acquired over a long period through moderate rentals for reimbursing the municipality for the capital invested. The municipalities shall proceed to execute the plan that they may approve, appropriating the necessary funds for this purpose in their budgets, with the provision that the sum total of payments for each house be not less than the cost of one house in each fiscal year, or else availing themselves of the means that the Constitution extends for carrying out works of this nature, in case the ordinary incomes of such buildings are insufficient to defray their cost.

There shall also be a district road commission, that shall have the obligation of planning, constructing, and maintaining roads which, according to a plan and system of management previously approved, may favor the development, transportation, and distribution of products.

ART. 216. The law shall determine the urbanization of villages or settlements contiguous to the mills of sugar plantations or to any other agricultural or industrial development of an analogous nature.

SECOND SECTION

Guarantees of Municipal Autonomy

ART. 217. The following is established as a guarantee of municipal autonomy:

1st. No local governing official may be suspended or removed by the President of the Republic, by the governor of the Province, or by any other governmental authority.

The tribunals of justice alone may approve the suspension and removal from their offices of persons in local governing positions, by means of summary proceedings in accordance with the law, without prejudice to what is provided concerning revocation of political mandate.

Likewise, no other officials or authorities may intervene in any of the official functions of persons in local governing positions, except in the case of powers granted by the Constitution to the tribunal of accounts.

2nd. The decisions of the council or of the commission, or the acts of the mayor or of any other municipal authority, may not be suspended by the President of the Republic, the governor of the Province, or by any other governmental authority.

The said decisions or actions may be impugned by governmental authorities, only when the latter should consider such decisions or actions illegal, before the tribunals of justice, which alone shall be competent to declare, by summary proceedings that the law may establish, whether or not the municipal body or authorities have made such decisions or actions within the sphere of their competence in accordance with the powers granted them by the Constitution.

3rd. No law may obtain for the State, the Provinces, or any other bodies or institutions, all or any part of the amounts that the municipalities may collect by way of taxes, imposts, and the other means for obtaining the municipal revenues.

4th. No law may declare of national character any municipal impost or tax that may constitute one of the sources of income of the municipality, without, at the same time, guaranteeing the latter incomes equivalent to those nationalized.

5th. No law may obligate the municipalities to exercise collecting functions for taxes of a national or provincial character, unless the bodies interested in the collection appoint the assistants necessary for this procedure.

6th. The municipality shall not be obligated to pay for any service that is not administered by itself, except in case it is a matter of express agreement with the State, private individuals, or other municipalities.

ART. 218. The mayor or any other representative authority of the local

government may, by himself or upon the decision of the council or of the commission, take the appeal of the abuse of power before the plenum of the Supreme Tribunal against any decision of the national or provincial Government that in their judgment may attack the system of municipal autonomy established by the Constitution, even if the decision may have been enacted by the use of discretionary powers.

ART. 219. As a guarantee to the inhabitants of municipal districts in relation to their local governing officials, the following provisions are made:

1st. In case the actions or decisions of the municipal authorities or bodies are prejudicial to any private or social interest, the injured party or any inhabitant of the municipality who may consider the decision or action harmful to public interest, may seek its nullification and compensation for damages before the tribunals of justice by means of summary proceedings established by law. The municipality shall be secondarily responsible and shall have the right, under the terms that the law may provide, to repeat charges, when payment of damages is granted, against the official guilty of having caused the damage.

2nd. A referendum is required for the contracting of loans, the issuance of bonds, or for other operations of municipal credit mobilization that, by their size, may obligate the municipality in question to create new taxes to defray the payment of amortization or payment of the said contracted loans.

3rd. The right of initiative to propose measures to the council or to the commission shall be granted to such a percentage as the law of the municipal electoral body shall fix. If the latter bodies should reject the initiative or should not decide upon it, they must submit it to popular will by referendum in the form that the law may determine.

4th. Revocation of a political mandate may be sought against local governing officials by a fixed percentage of the voters of the municipality, in the form that the law may determine.

5th. A petition or claim submitted to municipal authorities or bodies shall be considered rejected if such petition or claim is not affirmatively decided within the period fixed by law. The latter should provide all necessary regulations for contesting such tacit rejections, and fixing the responsibility of those guilty of the delay.

The law shall fix penalties for unjustified delay in the transmission to the municipal authorities and bodies of any such petitions formulated by the inhabitants of the municipal districts.

ART. 220. Criminal responsibility that the mayors, members of the councils or commissions, and other municipal authorities may incur, shall be tried before the tribunals of justice, either officially at the instance of the prosecuting attorney, or by civil action. Such action shall be available to all persons and may be exercised by any group of inhabitants of the municipal district, not

less than twenty-five in number, without posting bond, and without affecting their responsibility for false or slanderous accusation.

ART. 221. Those voting in favor of municipal decisions, as well as unauthorized absentees who allow the two following sessions to pass without recording their votes, shall be held responsible for such decisions. Such delayed voting shall not in any case affect the validity of decisions definitively adopted.

THIRD SECTION

Municipal Government

ART. 222. The municipal districts shall be governed in the manner established by law, which shall recognize the right of the municipalities to be given their own municipal charter in accordance with this Constitution.

The municipal organization shall be democratic and shall correspond in a simple and effective manner with the essentially administrative character of local government.

ART. 223. The municipalities may adopt their own municipal charters in accordance with the following procedure, which the law shall regulate. The council or commission, on the petition of ten per cent of the voters of the municipality, and with the favorable vote of two-thirds of its own members, shall consult the electoral body of the municipality by means of the proper electoral organs, if it desires to elect a committee of fifteen members to draw up a municipal charter.

The names of the candidates to take part in the committee shall be on the proper tickets, and if a majority of the electorate should vote favorably on the formulated question, the fifteen candidates who have received the most votes, in accordance with the system of proportional representation, shall be elected to compose the committee. The latter shall draw up the municipal charter and shall submit it for the approval of the voters of the municipality not earlier than thirty days after finishing it and adjourning, and not later than the end of the year in which the committee was elected.

The municipality shall adopt one of these systems of government: that of commission, or that of council and manager, or that of mayor and council.

ART. 224. In the system of government by commission, the number of commissioners, including among them the mayor as president, shall be five, in municipalities that have up to 20,000 inhabitants; seven in those that have 20,000 to 100,000; and nine in those greater than 100,000 inhabitants.

All commissioners shall be elected directly by the people for a term of four years. Each commissioner shall be the chief of a department of the municipal organization, for which he shall be responsible, and he shall be charged with carrying out and enforcing the measures adopted by the commission in so far as his department is concerned. The law shall fix the requirements that the commissioners shall meet, according to the department that is involved.

The commissioners shall jointly compose the deliberative body of the municipality.

ART. 225. In the system of council and manager, there shall in addition be a mayor, who shall preside over the council and shall be the representative of the people in all official acts, or those acts of a social character.

The city manager shall be a technician or a person of recognized capacity in municipal matters; he shall act as chief of municipal administration, with power to appoint and remove the officials and employees of the municipality, with observance of what is established in this Constitution.

The office shall be filled by the council, for a term of six years, by competitive examination before a tribunal composed of the following members: one professor of municipal government, one professor of administrative law, one public accountant, and two representatives of the municipality. The professor of administrative law and that of municipal government shall be appointed by a university faculty of social sciences; the public accountant by the trade school of the Province to which the municipality belongs; and the representatives of the municipality by the council of the municipal district concerned.

The manager, once appointed by the council on the proposal of the authorized tribunal, may not be removed except by sentence by a competent judicial authority, or by popular will; provided that such action is carried out in accordance with the reasons and formalities that the law may establish.

The council shall be composed, in this form of government, of six councilors when the population of the municipality does not exceed 20,000 inhabitants; of fourteen when the population is more than 20,000 but does not exceed 100,000; and of twenty-eight when the population is more than 100,000 inhabitants. They shall all be elected directly by the people for a term of four years.

ART. 226. In the system of mayor and council, presided over by the mayor, the latter as well as the councilors shall be elected directly by the people for a term of four years. The law shall determine the composition that the council shall have and shall fix the rules according to which the political parties must always select candidates for the said body who are representative of the diverse interests and activities of the locality.

ART. 227. The mayor, the manager, and the commissioners shall receive a salary from the municipal treasury that may be altered at any time; but such a change shall not be made effective until after a new election of mayor, council, or of the commission, has been held. An increase in the salary of the mayor shall be subject to the effective increase in municipal collections during the last two years preceding the date on which the increase is made effective. The office of councilor must be compensated when the economic conditions of the municipality permit; and just financial provisions shall be made for the support of the public services.

ART. 228. In the temporary or permanent absence or disability of the mayor

in any of the three aforementioned systems, he shall be replaced by a councilor or commissioner who shall have been elected for this purpose in the first session held by the council or the commission.

In case of absence or disability of the manager, the council shall proceed to fill the vacancy in the same manner as is originally provided for filling this office.

ART. 229. To be a municipal mayor, manager, commissioner, or councilor, it is necessary to be a Cuban citizen, to have reached twenty-one years of age, and to meet the other requirements that the law may stipulate. As regards the mayor, he shall be required, in addition, not to have belonged to the armed forces of the Republic in active service during the two years immediately prior to the date of his designation as a candidate.

Residence in the municipality shall not be required of a manager.

ART. 230. The law may create the metropolitan district of Havana, federating the surrounding municipalities with the capital city, to the extent that the law itself may determine.

The federated municipalities shall have direct representation in the municipality of the metropolitan district, retaining their democratic and popular organizations.

ART. 231. In the municipal budgets there shall be corresponding appropriations made for the upkeep of rural districts in accordance with the following gradual scale:

In rural districts that contribute from \$100 to \$1,000	35%
In rural districts that contribute from \$1,001 to \$5,000	30%
In rural districts that contribute from \$5,001 to \$10,000	25%
In rural districts that contribute \$10,001 and above	20%

ART. 232. Municipal elections shall take place on a different date than general elections.

TITLE XVI

SOLE SECTION

Concerning the Provincial System

ART. 233. The Province shall be comprised of the municipalities within its territory. Each Province shall be administered by a governor and a provincial council.

The provincial government is represented in the person of the governor. The provincial council is the organ of orientation and co-ordination of the interests of the Province.

ART. 234. The Provinces may be reconstituted or divided to form other new ones, or their boundaries may be modified, by means of agreement among the respective provincial councils and with the approval of the Congress.

ART. 235. The governor shall be elected for a term of four years, by direct and secret vote, in the form that the law may determine.

To be a governor it is necessary:

1st. To be Cuban by birth or naturalization, and in the latter case, to have ten years of residence in the Republic, counted from the date of naturalization.

2nd. To have reached twenty-five years of age.

3rd. To be in full enjoyment of civil and political rights.

4th. Not to have belonged to the armed forces of the Republic in active service during the two years immediately preceding the date of his designation as a candidate.

ART. 236. The governor shall receive a salary from the provincial treasury, that may be altered at any time; but such a change shall not go into effect until after a new election for governor has been held.

An increase in the salary of a governor shall be subject to an effective increase in the provincial revenue during the last two years preceding the date on which the increase is proposed to become effective.

ART. 237. In the temporary or permanent absence or disability of the governor, the oldest mayor shall substitute for him.

ART. 238. It shall be the function of the governor of the Province:

1st. To carry out and enforce, to whatever extent may be required, the laws, decrees, and regulations of the Nation.

2nd. To publish the decisions of the provincial council, which shall have obligatory effect, executing them and causing them to be executed; to determine the appropriate penalties for violations when they may not have been fixed by the council.

3rd. To issue orders and, moreover, to enact instructions and rules for the better execution of the decisions of the council when the latter may not have made them.

ART. 239. The municipal mayors of the Provinces shall constitute the provincial council. The mayors may attend the council sessions, assisted by specialists in each one of the fundamental services of the community, such as administration, health and social assistance, education, and public works; these specialists shall have the character of technical consultants of the council and shall have a voice but no vote. The office of technical adviser shall be honorary and without pay.

ART. 240. The governor shall have his headquarters in the capital of the Province, but the sessions of the provincial council may take place in the principal town of any municipal district of the Province, upon previous agreement by the council.

ART. 241. The provincial councils shall be assembled at least once every two months, without affecting the extraordinary sessions that they may hold when convened by the governor himself, or upon the instance of three or more members of the council.

ART. 242. It shall be the function of the provincial council:

1st. To formulate its ordinary budget of income and expenditures and to determine the proportional quota in relation to income that must necessarily be apportioned to each municipality in order to defray the expenses of the Province.

2nd. To extend public services and carry out works of provincial concern, especially in the departments of health and social assistance, education, and communications, without violating the laws of the State.

3rd. To approve loans in order to carry out public works or provincial plans of a social and economic character, and at the same time to vote the permanent revenues necessary for the payment of their interest and amortization. No loan may be approved without previously obtaining a favorable report from the tribunal of accounts and the approval of two-thirds of the members of the provincial council.

In cases in which new taxes are allowed for the payment of the obligations to which the preceding paragraph refers, it shall be necessary, moreover, to have an approving vote, in a referendum election of one-half plus one of the votes cast by the electors of the Province, with the proviso that not less than thirty per cent of the voters of the Province shall have participated in the election.

4th. To appoint and remove the provincial employees in accordance with this Constitution and the law.

ART. 243. For the purpose of what is provided in the preceding article, the average figure of the effective revenues of the preceding five years shall be taken as a basis for determining the revenue necessary.

ART. 244. When works approved by the council are not of a provincial character, but are in the interest of the municipalities, the latter must receive a minimum appropriation proportional to their tax quotas.

ART. 245. No member of the provincial council may be suspended or removed by governmental authority. Likewise, the actions and decisions of the council may not be suspended or annulled by such authority, but may be impugned before the tribunals of justice by means of special summary proceedings, that the law shall regulate, by the municipal or national governmental authorities, or by any resident who may be injured by such decision or action, or who may consider the latter damaging to the public interest.

The decisions of the provincial councils shall be made in public session.

Only the provincial supreme courts are empowered to suspend or discharge provincial councilors for criminal cause, by summary proceedings, in conformity with the law, or by a provisional sentence that may include the penalty of mandatory disqualification from office. In case of suspension or discharge of a provincial councilor, such penalty shall extend to his functions as municipal mayor.

ART. 246. The governor, with the prior approval of the provincial council,

may appeal to the plenum of the Supreme Tribunal of Justice, in the form determined by law, against abuse of power involved in decisions of the national Government which, in his judgment, attack the system of provincial autonomy established by the Constitution, although the measure may have been enacted within the use of discretionary powers.

ART. 247. The provincial council and the governor must acknowledge the authority of the tribunal of accounts of the State in matters of auditing, and are obliged to submit all data and information that the latter may request, especially in relation to the formation and liquidation of the budgets.

The governor shall appoint, at any time the tribunal of accounts shall so request, an expert adviser from the provincial department of finance to assist the tribunal in the examination of the accounts of the Province.

ART. 248. The provisions concerning public finances, contained under the appropriate title in this Constitution, shall be applicable to the Provinces, in so far as they may be compatible with the system of the latter.

ART. 249. The provincial councilors and the governors shall be responsible before the tribunals of justice, in the form that the law prescribes for acts carried out in the exercise of their functions. The office of provincial councilor is honorary, without pay, and obligatory.

ART. 250. The basis of provincial government and administration shall be organized by law, in accordance with this Constitution, and in a manner to respond to the administrative character of the provincial government.

TITLE XVII

National Finances

FIRST SECTION

Concerning the Property and Finances of the State

ART. 251. Aside from properties of public domain and the subdivisions of the same, all properties existing in the territory of the Republic that do not belong to the Provinces or to the municipalities and that are not, individually or collectively, privately owned, shall belong to the State.

ART. 252. Properties or patrimonies of the State may be alienated or taxed only under the following conditions:

1st. That the Congress approve such action by special law, for reasons of social necessity or convenience, and always by a favorable vote of two-thirds of each colegislative body.

2nd. That the sale be carried out by public auction. If a question of rental is involved, it shall proceed according to the provisions of the law.

3rd. That the proceeds of such sale shall serve to create labor, support public services, or satisfy public necessities.

Permission for such alienation or taxation may, however, be granted in an

ordinary law, and may take place without the requirement of public auction if the purpose shall be to develop a national economic plan approved by special law.

ART. 253. The State shall not contract loans except by virtue of a law approved by two-thirds of the total of the members of each colegislative body, and in which at the same time the permanent revenues necessary for the payment of interest and amortization are voted.

ART. 254. The State guarantees the public debt, and, in general, every operation that involves the economic responsibility of the national treasury, provided that such obligations shall be contracted in accordance with the provisions of the Constitution and the law.

SECOND SECTION

Concerning the Budget

ART. 255. All revenues and expenditures of the State, with the exception of those later to be mentioned, shall be anticipated and fixed in annual budgets and shall be in force only during the year for which they were approved.

Funds, special monies or private patrimonies of bodies authorized by the Constitution or the law, and which are dedicated to social insurance, public works, the support of agriculture and regulation of industrial, cattle-raising, commercial, or professional activities, and, in general, those that promote the national wealth, are excepted from what is provided in the preceding paragraph. These funds, or the taxes upon them, shall be delivered to the autonomous body and be administered by the latter, in accordance with the law that may have created such funds, subject to the supervision of the tribunal of accounts.

The expenditures of the Legislature and the Judiciary, of the tribunal of accounts, and of the interest and amortization of loans, as well as revenues by which they are covered, shall be permanent in character, and shall be included in the fixed budget that shall be in force until revised by special laws.

ART. 256. For the purposes of protection of common and national interests within any branch of production as well as in the professions, the law may establish compulsory associations of producers, determining the manner of organization and functioning of the national bodies, as well as of the regional bodies that may be necessary, in such a manner that they shall at all times be governed by the full authority of a majority of their members, granting the said associations, at the same time, the right to make provision for the necessities of their organized operations by means of quotas that may be imposed in the administration of the law itself.

The budgets of these organizations or co-operatives shall be supervised by the tribunal of accounts.

ART. 257. The Congress may not include in the budget laws provisions that

introduce legislative or administrative reforms of any other kind; nor may the Congress reduce or abolish revenues of a permanent character without, at the same time, establishing others in their stead, except in case the reduction or abolition should correspond with the reduction of the permanent expenses to an equal amount; nor may the Congress assign to any of the services for which it must make appropriations in the annual budget an amount larger than that indicated in the bill of the Government. The Congress may, by means of laws, create new services or extend existing ones.

Every law that authorizes expenditures outside of the budget, or that may in the future represent expenditures of this kind, must, under penalty of nullification, establish the means of covering them in any of the following ways:

1st. Creation of new revenues.

2nd. Abolition of previous expenditures.

3rd. Absolute verification of the credit balance or surplus by the tribunal of accounts.

ART. 258. The study and preparation of the annual budget of the State are functions of the Executive, and their approval or modification are functions of the Congress, within the limits established in the Constitution. In case of urgent necessity, the Congress may, by means of a law, grant an extraordinary budget.

The Executive shall present the annual budget bill to the Congress through the Chamber of Representatives sixty days before the date on which it enters into effect. The President of the Republic, and especially the Minister of Finance, shall incur the liability that the law may determine if the budget is submitted to the Congress after the date previously fixed. The Chamber of Representatives shall send the budget bill to the Senate, together with its decision thereon, thirty days before the date on which it enters into effect.

If the general budget is not voted upon before the first day of the fiscal year in which it must become effective, the budget that has been in force for the past year shall continue in effect for three months, jointly with the law of bases. In this case, the Executive may not make any modifications other than those arising from expenditures already paid, or from service on expenditures not necessary during the new fiscal period.

The allocations of the ordinary budget must be covered by corresponding ordinary incomes anticipated in the budget itself, with the proviso that in no case may such allocations be covered by extraordinary revenues unless so authorized by a law of this character.

The ordinary budget shall be executed with the sole approval of the Congress, which shall immediately have it published.

ART. 259. The budgets shall contain inscriptions in the part concerned with expenditures in which the following shall be made clear:

1st. The exact amount of the legitimate responsibilities of the State, liquid and outstanding, belonging to the preceding budgets.

2nd. The proportion of this amount that shall be balanced by the ordinary revenues fixed in the new budget.

The law of bases must, as regards the preceding clauses, establish the rules relative to the form in which the amount or amounts fixed for payments during the life of the budget may be prorated among creditors having liquid credits.

ART. 260. The credits assigned in the statement of expenditures in the budget shall fix the maximum amounts assigned to each service, which may not be augmented or transferred by the Executive without prior authorization by the Congress.

The Executive may, however, grant credits or supplements to credits, under his own responsibility, and when the Congress is not in session, in the following cases:

1st. War, or imminent danger of war.

2nd. Grave disturbance of public order.

3rd. Public calamities.

The procedure for these credits shall be determined by law.

ART. 261. The Executive has the obligation of submitting annually the accounts of the State. For this purpose the Minister of Finance shall liquidate the annual budget within three months following its expiration; and, with the prior approval of the Council of Ministers, shall send his report, with the data and necessary verifications, to the tribunal of accounts. The latter shall render an opinion upon the report within the three months following, and within this period and without impairing the effectiveness of its decisions, shall inform the Congress and the Executive of any infractions or responsibilities for infractions which, in its judgment, may have been incurred. The Congress shall definitively approve or reject the accounts.

Budget credits for expenditures not anticipated by the administration may only be expended, in such case, with prior approval by the Council of Ministers.

The Executive shall send the balance sheet of the revenues and expenditures of the State to the Congress monthly.

ART. 262. The Executive shall avoid duplication of services and multiplicity of official and semi-official agencies wholly or partially supported by the State for the realization of its purposes.

ART. 263. No one shall be required to pay any impost, tax, or contribution that has not been expressly established by the law, or by the municipalities, in the form provided by this Constitution, and the amount of which may not go to form a part of the budget revenues of the State, Province, or municipality, unless other provisions are stipulated in the Constitution or in the law.

Obligatory taxes or quotas imposed by the law upon persons or groups belonging to an industry, trade, or profession, in favor of their legally recognized organizations shall not be considered included in the preceding provision.

ART. 264. The State shall, without impairing the other means within its range, regulate the development of the national wealth by means of the execution of public works payable entirely or in part by those directly benefited. The law shall determine the manner and the proceedings adequate in order that the State, the Province, or the municipality, on its own initiative or accepting private initiative, may promote the execution of such works, grant proper concessions, authorize the apportionment and the division, and collect taxes for these purposes.

ART. 265. The liquidation of each credit arising from funds of the State for the execution of any public work or public service shall be published in full in the *Gaceta oficial* of the Republic, as soon as it has obtained the final approval of the proper Minister.

The record of acceptance, whether partial, complete, provisional, or final, of all public works executed wholly or partially with funds deriving from the State, shall be published in the *Gaceta oficial* of the Republic, as soon as it has obtained the final approval of the proper Minister.

The liquidation of credits arising from funds of the State, as well as final acceptances of public works executed by contract or administration, defrayed partially or wholly by funds provided by the State, shall be submitted for final approval within sixty calendar days after the termination of such works, without prejudice to the partial liquidations and acceptances that may have been recognized by the administration during the process of execution of such works.

THIRD SECTION

Concerning the Tribunal of Accounts

ART. 266. The tribunal of accounts is the supervising body for revenues and expenditures of the State, Province, and municipality, and of the autonomous organizations created under the protection of the law, which receive their incomes directly or indirectly through the State. The tribunal of accounts is dependent only upon the law, and its differences with other bodies shall be submitted to the decision of the Supreme Tribunal of Justice.

ART. 267. The tribunal of accounts shall be composed of seven members, four of whom shall be attorneys and three public accountants or professors of commerce. Any person who is included in Clause (d) [i.e., 4th Clause] of the following article may also be appointed, even without being an attorney or public accountant. Attorneys must meet the same qualifications as are required in order to be a member of the Supreme Tribunal. Public accountants or professors of commerce must be more than thirty-five years of age,

Cubans by birth, and must have practiced their profession for not less than ten years.

The plenum of the Supreme Tribunal shall designate two of the attorneys who shall be the president and secretary of the court.

The President of the Republic shall appoint one attorney and one public accountant or professor of commerce as members.

The Senate shall appoint one attorney and one public accountant or professor of commerce as members.

The University council shall appoint one public accountant or professor of commerce as a member.

The members of the tribunal of accounts shall discharge their duties for a term of eight years and may be removed within this period only by the tribunal of constitutional and social guarantees of the Supreme Tribunal of Justice of the Republic, after a legal process with a decision supported by reasons.

The members of the tribunal of accounts may not form a part of any other official or autonomous body that may depend, directly or indirectly, upon the State, a Province, or a municipality, and may not practice any profession, industry, or trade.

ART. 268. To be a member of the tribunal of accounts it is necessary:

1st. To be Cuban by birth.

2nd. To have reached thirty-five years of age.

3rd. To be in full enjoyment of civil and political rights, and with no criminal record.

4th. To be an attorney with ten years of practice; to have been a Minister, or Secretary, or Subsecretary of Finance; Comptroller General of the Republic, treasurer or chief of the audit office of the ministry of finance; professor of economics, finance, control and public finance, or auditing, in an official institution of learning; or to possess the title of public accountant or professor of commerce with ten years of practice.

The members of the tribunal of accounts may not have any material interest, directly or indirectly, in any farming, industrial, commercial or financial enterprise connected with the State, Province, or municipality.

ART. 269. The tribunal of accounts shall appoint comptrollers, officials, employees, and assistants, on the basis of accredited proof of ability.

ART. 270. Powers and duties of the tribunal of accounts are:

1st. To supervise the enforcement of the budgets of the State, Province, municipality, and of the autonomous bodies that receive their incomes directly or indirectly through the State, examining and auditing the accounts of all of these.

2nd. To have jurisdiction over orders for advance payments by the State, in order to be able to approve the condition of finances as related to the con-

dition of the budget, so that the provisions of the law of bases may be complied with, and that they may be carried out without preference or favor.

3rd. To inspect, in general, the expenditures and disbursements of the State, Province, and municipality, for carrying out public works as well as for provisions and payments of personnel, and the public auctions held for this purpose. To this end, the tribunal of accounts may originate measures for ascertaining that the payments that are made effectively correspond with the services carried out by the official institutions under its supervision, with the obligation of expediting regulatory measures suitable for fixing the average cost per unit of work and the average value of the provisions that the State must receive in accordance with the market. Likewise, the tribunal of accounts may proceed with any denunciations that may be formulated in this connection, and shall submit an annual report to the President of the Republic, that shall be an account of the manner in which the expenditures of the institutions under its control have been carried out, in order that the President of the Republic may forward this report, together with his own observations, to the Congress.

4th. To ask reports of all bodies and departments subject to its control, and to appoint a special delegate to make the necessary investigations when data are not furnished or when such data are considered insufficient.

The tribunal shall be obliged to give detailed information to the Executive and to the Congress, when so required, upon any matters related to its functions.

5th. To give a report annually with respect to the condition and administration of the public treasury, the national currency, the public debt, and the budget and its liquidation.

6th. To receive a statement under oath or affirmation from each citizen appointed for the discharge of a public function, upon his taking possession of and upon his leaving the office, concerning the amount of his private fortune; and to carry out any investigations that may be necessary to verify such statements.

The law shall regulate and determine the occasion and form of exercising this function.

7th. To account to the tribunals for any guilt that may result from the inspection and supervision carried out in relation to the powers granted by the preceding clauses, and to enact proper instructions in case of violations in which there is no criminal responsibility, for the better fulfillment of the laws of accountability over all the bodies subject to its control.

8th. To publish its reports for public information.

9th. To carry out all other duties that the law and the regulations stipulate.

FOURTH SECTION

Concerning the National Economy

ART. 271. The State shall direct the course of the national economy for the benefit of the people in order to assure a proper existence for each individual.

It shall be a primary duty of the State to promote national agriculture and industry, facilitating their diversification as sources of public wealth and collective benefit.

ART. 272. Ownership and possession of real property and the exploitation of agricultural, industrial, commercial, banking, and any other kind of enterprise or business by foreigners, whether firmly established in Cuba, or carrying on their operations in Cuba but with headquarters in other countries, are subject in an obligatory manner to the same conditions as the law may establish for nationals, which must in all cases be adjusted to the socio-economic interests of the Nation.

ART. 273. The increment of value of lands and real property that is produced without expenditure of labor or private capital and only by reason of actions of the State, Province, or municipality, shall be ceded to the benefit of these latter to a proportional extent that the law may determine.

ART. 274. Stipulations in regard to contracts for renting, tenant farming, or partnership of rural estates, that impose the renunciation of rights recognized in the Constitution or in the law, as well as any other pacts that this Constitution or the tribunals may declare to be abusive, shall be null.

In regulating said contracts adequate standards shall be established for controlling rents, which shall be flexible, with a maximum and minimum according to the purpose, productivity, location, and other circumstances surrounding the rented property, and for fixing the minimum duration of such contracts according to said conditions, and for guaranteeing to the renter, tenant farmer, or partner, a reasonable compensation for the value of improvements or repairs that the latter may deliver in good condition, and that may have been carried out at his expense with the express or tacit consent of the owner, or such improvements or repairs deemed necessary for development of the property.

The renter shall not have a right to said compensation in case the contract terminates prematurely through his fault or his refusal to continue the agreement when offered to him under the same conditions as were in force at the expiration of said contract.

The law shall also regulate contracts of farm financing and sugar-cane milling, as well as the delivery of other products by the persons producing them, granting the farmer just protection.

ART. 275. The law shall regulate by administration the planting and milling of sugar-cane, and may reduce these operations to the minimum limit imposed by the socio-economic necessity of maintaining the sugar industry

on the basis of the division between the two great factors participating in its development: the manufacturers or producers of the sugar, and the farmers or tenants producing the cane.

ART. 276. Any laws and provisions that may create private monopolies, or that may regulate trade, industry, and agriculture in such a form as to give rise to such monopolies, shall be null and without effect. The law shall especially take care that commercial activities may not be monopolized by private interests in the centers of agricultural and industrial labor.

ART. 277. National or local public services shall be considered of social interest. Therefore, the State, as well as the Province and the municipality, shall, in their respective cases, have the right to supervise such services, enacting the measures necessary for this purpose.

ART. 278. No consumption tax may be placed upon national raw materials that, whether or not a product of the soil, are destined for manufacture or export.

Likewise, no consumption tax may be placed upon products of national industry, if the same products, those similar to them, or substitutes imported from abroad, are not taxed in the same manner.

ART. 279. The State shall maintain the independence of private institutions of social welfare and co-operation that are normally sustained without the aid of public funds, and shall contribute to the development of the same by means of adequate legislation.

ART. 280. Money and banking are submitted to the regulation and control of the State.

The State, by means of autonomous bodies, shall organize a banking system for the better development of its economy, and shall thus found the National Bank of Cuba, which shall be one of issue and rediscount. In establishing the said bank, the State may require that its capital be subscribed by the banks already existing in the national territory. Those that comply with these requirements shall be represented on its board of directors.

TITLE XVIII

Concerning a State of Emergency

ART. 281. The Congress may, by special law, upon the request of the Council of Ministers, declare a state of national emergency, and may authorize the Council of Ministers itself to exercise extraordinary powers in any case in which the external security or internal order of the State may be placed in danger or attacked, by reason of war, catastrophe, epidemic, grave economic upset, or any other cause of an analogous nature.

In each case the special law shall determine the concrete matter to which the extraordinary powers shall be applied, as well as the period during which such powers shall be effective, which shall never exceed forty-five days.

ART. 282. During the state of national emergency the Council of Ministers may exercise the functions expressly delegated to it by the Congress. The Council of Ministers may likewise alter criminal proceedings. In all cases the legislative provisions adopted by the Council of Ministers must be ratified by the Congress in order to continue in effect when the state of national emergency shall have been terminated. Judicial actions that modify the normal regime must be revised, upon the termination of the state of emergency, at the instance of the interested party. A retrial shall take place in case sentence has already been passed, whereupon said sentence shall be considered as a trial procedure.

ART. 283. The law in which the state of national emergency is declared must necessarily contain a call for an extraordinary session of the Congress for the day on which the emergency period expires. While the emergency period shall last a permanent committee of the Congress must be assembled in order to supervise the use of the extraordinary powers granted to the Council of Ministers, and this permanent committee may convene the Congress, even before the expiration of the said period, in order to declare abolished the state of emergency.

The permanent committee shall be selected from the body of the Congress, and shall be composed of twenty-four members who shall come from both colegislative bodies, in equal numbers, and similarly with representation from all the political parties. The president of the Congress shall preside over the committee, and it shall function when the Congress is in recess and during the state of national emergency.

The permanent committee shall have competence:

1st. To supervise the use of the extraordinary powers that may be granted to the Council of Ministers in cases of emergency.

2nd. Over determination of the inviolability of Senators and Representatives.

3rd. Over other matters that the law of relations between the colegislative bodies may stipulate.

ART. 284. The Council of Ministers must give an accounting of the use of the extraordinary powers before the permanent committee of the Congress, at any time that the latter shall so decide, and before the Congress upon the expiration of the state of national emergency.

A special law shall regulate the state of national emergency.

TITLE XIX

Concerning the Amendment of the Constitution

ART. 285. The Constitution may be amended only:

1st. Upon the initiative of the people, by means of the presentation of an appropriate proposition to the Congress, with the signatures of not less than

100,000 voters who are able to read and write, given before the electoral bodies, and in accordance with what the law may establish. When this has been done, the Congress shall be assembled into a single body, and within the thirty days following shall, without discussion, approve the law proposing to call an election of delegates or for a referendum.

2nd. By the initiative of the Congress by means of an appropriate proposition, bearing the signatures of not less than one-fourth of the members of the colegislative body to which the proponents belong.

ART. 286. Amendment of the Constitution shall be specific, in part or in whole.

In case of specific or partial amendment, proposed by popular initiative, the amendment shall be submitted to a referendum at the first election to be held, provided that the new precept, the incorporation of which is in question, or an existing one, the revision of which is being attempted, is susceptible of being proposed in such a manner that the people may approve or reject it by answering "yes" or "no."

In case of specific or partial change upon the initiative of the Congress, the approval of the latter with an affirmative vote of two-thirds of the total number of members of both colegislative bodies jointly assembled, shall be necessary, and said amendment shall not be effective until it is ratified in the same manner in the two following regular legislative sessions.

In case the reform is total, or concerns the national sovereignty, or Articles 22, 23, 24, and 87 of this Constitution, or the form of Government, after the previously stipulated requirements are carried out, according to whether the initiative proceeds from the people or from the Congress, elections for delegates to a plebiscitary assembly shall be called, the meeting of which shall take place six months after the resolution, and which meeting shall be limited exclusively to approving or rejecting the proposed reforms.

This assembly shall carry out its duties with entire independence of the Congress, within thirty days following its final organization. The delegates to the said convention shall be elected by Provinces in the proportion of one for each 50,000 inhabitants, or fraction greater than 25,000, and in the form that the law may establish, with the proviso that no Congressman may be elected to the office of delegate.

In case there is a question of holding any re-election that is constitutionally prohibited, or the continuation in office of any official for a longer time than that for which he was elected, the proposal of amendment must be approved by three-fourths of the total members of the Congress, assembled in a single body, and ratified in a referendum by the affirmative vote of two-thirds of the total number of voters of each Province.

FINAL PROVISION

This Constitution shall enter into force in its entirety on October 10th, 1940.

And in carrying out the decision made by the Constituent Convention in the session of April 26th, 1940, and as a tribute to the memory of the illustrious patriots who in this town signed the Constitution of the Republic in arms on April 10th, 1879, we sign the present Constitution in Guáimaro, Camagüey, on July 1st, 1940.

Dominican Republic



INDEPENDENCE of the Dominican Republic was first achieved—from Spain—by declaration in 1821. This action was accompanied by a temporary constitution on December 1, 1821, which pointed toward union with Colombia. The new state had had a life of only about nine weeks, however, when invasion and conquest by Haitian forces terminated its separate existence. Revolution in Haiti in 1843 gave Dominicans a second opportunity to throw off foreign control, which they did by proclamation of February 27, 1844. The first constitution of the revived Dominican Republic followed on November 6, 1844. The form of the government then set up resembled in general that of the United States. Two other constitutions followed a decade later. One, adopted on February 25, 1854, represented essentially a revision of the constitution of 1844 and provided for a governmental structure similar in many respects to that of a decade earlier. The other constitution of 1854 was signed on December 16 and promulgated on December 23.

Somewhat more than three years later the republic adopted its fourth basic law, on February 19, 1858, the so-called Moca constitution. It was short-lived: General Santana on September 27, 1858, issued a decree again placing in force the constitution of December, 1854. Political weakness of the republic and preoccupation of the United States with its Civil War allowed Spain to re-establish its rule in the Dominican Republic on March 18, 1861. Such rule proved unsatisfactory, however, and was brought to an end on May 1, 1865.

With the War of the Restoration successfully completed, the constitution of 1844 was restored to force, although certain modifications were made in it on November 14th, 1865. A new charter dated from September 6, 1866. A decree issued by a national convention on April 23, 1868, and promulgated the following day, restored to force an amended form of the law of December, 1854. A revised and amended version of the same constitution dated from November 29, 1872. Two new constitutions were adopted within the next three years, one on March 24, 1874 (promulgated April 4) and the other on March 9, 1875 (promulgated April 12). The second of these was modified in 1876. A new basic law was adopted on May 7, 1877, and promulgated three days later. A technically new constitution, adopted May 15, 1878 (promulgated June 1), was really a slight modification of that of the preceding year. The same process was repeated with a new document dated February 11, 1879, another adopted May 18, 1880, and still another dated November 23, 1881. A new constitution was adopted on November 15, 1887, the structural

features of which were relatively orthodox; a revision of this law was dated June 12, 1896. The next constitution was promulgated on September 9, 1907. A new basic law, adopted on February 22, 1908, reproduced in considerable measure the provisions of the instrument of 1896.

Following withdrawal of United States forces which occupied the Dominican Republic in a military intervention lasting several years, a new constitution was adopted on June 13, 1924. This law was modified later in the same year and again, by a technically new constitution, on June 15, 1927. A constituent assembly that was convened in March, 1929, adopted a new constitution, signed and promulgated on June 20. This was supplanted by another charter, June 9, 1934. The present constitution, technically a new one but actually based on those of 1934 and January 10, 1942, dates from January 10, 1947. President Trujillo late in 1946 proposed amendments to Articles 94 and 95 to provide for the creation of a central bank and other fiscal reforms.

It is difficult to catalogue the distinct constitutions of the Dominican Republic because of the practice of promulgating the document as a new constitution each time any modifications are made. This has led some commentators to assert that the republic has had as many as twenty-four constitutions, a misleading statement because many of the documents thus published as technically new constitutions represented in reality only amendments of their immediate predecessors. A case in point is the present constitution, which involves changes in only eight articles of the law of 1942, which, in turn, represented only minor modification of the constitution of 1934.

CONSTITUTION OF THE DOMINICAN REPUBLIC

TITLE I

FIRST SECTION

Concerning the Nation and Its Government

ARTICLE 1. The people of Santo Domingo constitute a Nation organized in a free and independent State, with the name of the Dominican Republic.

ART. 2. Its Government is essentially civil, republican, democratic, and representative.

It is divided into a legislative branch, an executive branch, and a judicial branch. These three branches are independent in the exercise of their respective functions. Their representatives are responsible and cannot delegate their powers, which are only those determined by this Constitution and the laws.

SECOND SECTION

Concerning the Territory

ART. 3. The territory of the Republic, including that of the adjacent islands, is and will be inalienable.

ART. 4. The territory of the Republic is composed of the District of Santo Domingo and the Provinces that the law determines. The Provinces, in their turn, are divided into communes.

Paragraph. The law will fix the number and boundaries of the Provinces, as well as those of the communes into which they are divided, and it may also create new political divisions of the territory with other names.

ART. 5. The old City of Santo Domingo, today Trujillo City, is the capital of the Republic and the seat of the national Government.

TITLE II

Concerning Individual Rights

ART. 6. The following are established as inherent to the human personality:

1st. Inviolability of life. The penalty of death cannot be established, nor any other that implies the loss of the physical integrity of the individual. The law will be able, nevertheless, to establish the penalty of death for those who, in time of war with a foreign Nation, become guilty of crimes opposing the fortune of the national forces, or of treason or espionage in favor of the enemy.

2nd. Freedom of labor, prohibiting, consequently, the establishment of monopolies for the benefit of private persons. The law may, as the general

interest may require, establish the maximum working day, days of rest and vacation, minimum wages and salaries and their methods of payment, social insurance, preponderant participation of nationals in all labor, and, in general, all the measures of protection and assistance of the State that are considered necessary in support of the workers.

3rd. Freedom of conscience and of worship, without any other limitation than the respect owed to public order and good customs.

4th. Freedom of education. Primary instruction will be subject to the supervision of the State and will be obligatory for the scholastic minor, in the form that the law establishes. This instruction will be gratuitous in official institutions, the same as with that which is given in schools of agriculture, manual arts, and domestic economy.

5th. The right to express thoughts without subjection to previous censorship. The law will establish penalties applicable to those who act against the honor of persons, the social order, or the public peace.

6th. Freedom of association and of assembly for pacific ends.

7th. The right of property. This, however, can be taken for a duly justified reason of public utility or social interest, and with previous just indemnification. In cases of public calamity, the indemnification need not be given previously. General confiscation of goods remains prohibited, except as a penalty for persons guilty of treason or espionage in favor of the enemy in time of war with a foreign Nation.

8th. Inviolability of correspondence and other private documents, which cannot be seized or inspected except by means of legal proceedings in the substantiation of matters that are examined in the courts. Secrecy of telegraphic, telephonic, and cable communication is equally inviolable.

9th. Inviolability of the home. No search of a house may be carried out except in cases foreseen by the law, and with the formalities that it prescribes.

10th. Freedom of transit, except for restrictions that result from the execution of penalties imposed judicially, or of immigration and health laws.

11th. The exclusive ownership, for the time and in the form that the law determines, of inventions and discoveries, as well as scientific, artistic, and literary productions.

12th. Individual security. Therefore: (a) bodily restraint for a debt that does not arise from fraud or violation of penal laws will not be permitted; (b) no one may be sentenced to prison or restricted in his liberty without an order issued and written by a competent judicial official, except in cases *in flagrante delicto*; (c) no one may be tried twice for the same cause, or be obliged to testify against himself, or be condemned to any punishment, whatever may be the nature of it, unless he has been heard in a public session, or unless he has been subpoenaed in regular form. Cases for which the law creates disciplinary tribunals are excepted from being heard in a public session; (d) each person deprived of his liberty will be submitted to a competent judge

or tribunal within forty-eight hours of his arrest, or placed at liberty. Each arrest will be left without effect or will be changed to imprisonment within forty-eight hours of having submitted the arrested person to the competent judge or tribunal, having notified the person concerned, within the same time, the judgment that is issued to this end; (e) each person deprived of his liberty without cause or without legal formalities, or outside of the cases foreseen by the laws, will be placed immediately at liberty at his request or at that of some other person. The law will determine the manner of proceeding summarily in this case.

ART. 7. The enumeration contained in Article 6 is not restrictive, and therefore does not exclude the existence of other rights of similar nature.

TITLE III

Political Rights

FIRST SECTION

Concerning Nationality

ART. 8. The following are Dominicans:

1st. Those persons who at the present enjoy this status by virtue of former Constitutions and laws.

2nd. All persons who may have been born in the territory of the Republic, with the exception of the legitimate children of foreign residents in the Republic, in diplomatic representation or who may be in it in transit.

3rd. All persons born in foreign countries of a Dominican father or mother, provided that, in accordance with the laws of the country of their birth, they have not acquired a foreign nationality, or that, in case of having acquired it, they manifest, by an act before a public official, transmitted to the executive branch, after reaching the age of political majority, and at the latest within the year of having reached the age of civil majority, established in the Dominican legislation, their intention of having Dominican nationality.

4th. Those naturalized according to law.

Paragraph. No Dominican may allege a foreign status by naturalization or any other cause. The law will establish penalties for those who, being Dominicans, allege the possession of a foreign nationality. However, a Dominican woman married to an alien may acquire the nationality of her husband.

SECOND SECTION

Concerning Citizenship

ART. 9. All Dominicans of either sex more than eighteen years of age, and those who are or have been married although they have not reached that age, are citizens.

ART. 10. The rights of citizens are:

1st. To elect.

2nd. To be eligible for elective offices, with the restrictions that this Constitution indicates.

ART. 11. The rights of citizens are lost:

1st. By taking arms against the Republic or lending aid in any attack against it.

2nd. By sentence to criminal punishment and while this continues.

3rd. By judicial interdiction.

4th. By accepting in Dominican territory employment from any foreign government, without previous authorization from the Executive.

5th. By having adopted another nationality.

TITLE IV

Concerning Sovereignty

ART. 12. Only the people are sovereign.

TITLE V

FIRST SECTION

Concerning the Legislative Power

ART. 13. All legislative powers conferred by the present Constitution are entrusted to a Congress of the Republic, composed of a Senate and a Chamber of Deputies.

ART. 14. The election of Senators, as well as that of Deputies, will be by direct vote.

ART. 15. The office of Senator and that of Deputy are incompatible with all other employment or permanent public office, with the exception of honorary positions and professorships. These last are not incompatible with any other public office or employment.

ART. 16. When vacancies of Senators or Deputies occur, they will be filled by the corresponding Chamber, which will choose the substitute from the panel presented by the appropriate organization of the political party to which the Senator or Deputy who gave rise to the vacancy belonged.

Paragraph. The panel must be submitted to the corresponding Chamber within the thirty days subsequent to the occurrence of the vacancy, if the Congress shall have been assembled; and in case of not having been assembled, within the first thirty days of their session. If the thirty days have passed, and the appropriate organization of the party has not submitted the panel, the corresponding Chamber will make the designation freely.

SECOND SECTION

Concerning the Senate

ART. 17. The Senate will be composed of members elected at the ratio of one for each Province and the District of Santo Domingo, and their office will continue for a term of five years.

ART. 18. To be a Senator it is necessary:

To be a Dominican in full exercise of civil and political rights and to have the age required by this Constitution.

Paragraph. Naturalized citizens may not be Senators, except ten years after having acquired nationality and provided they have resided in a continuous manner in the country during the two years that precede their election.

ART. 19. The following are exclusive powers of the Senate:

1st. To name the Judges of the Supreme Court of Justice, the courts of appeal, the tribunals or courts of first instance, the land tribunals, judges of instruction, and judges of any other tribunals of judicial character created by the law.

2nd. To name the members of the chamber of accounts.

3rd. To approve or reject appointments of a diplomatic character that the Executive makes.

4th. To take cognizance of accusations formulated by the Chamber of Deputies against public officials elected for a specified term, because of bad conduct or failure in the exercise of their duties. The Senate, in matters of impeachment, may not impose other punishments than those of dismissal from office or disqualification for all remunerative offices and offices of honor or confidence in the Republic. The convicted person will, however, remain subject, if there be occasion, to be accused and tried according to law.

The Senate may not pronounce condemnatory sentence except when it is agreed upon by the vote of at least three-fourths of the whole of its members.

The provisions contained in this article do not exclude, with respect to members of the Judiciary, the disciplinary authority of the Supreme Court of Justice.

THIRD SECTION

Concerning the Chamber of Deputies

ART. 20. The Chamber of Deputies will be composed of members elected every five years by the people of the Provinces and the District of Santo Domingo, at the ratio of one for each 60,000 inhabitants or fraction of more than 30,000.

Paragraph. No Province will have fewer than two Deputies.

ART. 21. To be a Deputy it is necessary:

To be a Dominican in full exercise of civil and political rights and to have reached the age required in this Constitution.

Paragraph. Naturalized citizens may not be elected Deputies except eight years after having acquired nationality and provided they have resided in a continuous manner in the country during the two years that precede their election.

ART. 22. The following are exclusive powers of the Chamber of Deputies:

1st. To exercise the right of accusing public officials before the Senate in the cases determined by the fourth part of Article 19. The accusation may not be formulated except by the vote of three-fourths of the whole of the members of the Chamber.

2nd. To authorize or refuse to authorize the municipal councils to alienate real property, and to approve or reject the contracts they make when constituting real property or communal incomes as guaranty.

FOURTH SECTION

Provisions Common to Both Chambers

ART. 23. The Chambers will unite in a National Assembly in the cases indicated by the Constitution, it being necessary for that purpose that there be present more than half of the members of each one of them.

Decisions will be taken by an absolute majority of votes.

ART. 24. Each Chamber will regulate whatever concerns its internal organization and the dispatch of matters peculiar to it, being able in disciplinary organization to establish punishments for its members in proportion to the offenses that they commit.

ART. 25. The Senate and the Chamber of Deputies will hold their sessions separately, except when they unite in a National Assembly.

ART. 26. In each Chamber the presence of at least half of its members will be necessary for the validity of the deliberations. Decisions will be taken by an absolute majority of votes, except for matters previously declared urgent, which will be decided by two-thirds of the votes.

ART. 27. The members of each Chamber will enjoy the most complete penal immunity for the opinions they may express in their sessions.

ART. 28. No Senator or Deputy may be deprived of his liberty during the legislative session, without the authorization of the Chamber to which he belongs, except the case in which he may be apprehended in the moment of the commission of a crime. In all cases, the Senate or the Chamber of Deputies, or if these are not in session or have not constituted a quorum, any member, may demand that any of their members who may have been detained, arrested, apprehended, or deprived in any other form of their liberty, be placed at liberty for the time that the Legislature or part of it lasts. To this effect, a demand will be made by the president of the Senate or by that of the Cham-

ber, or by the Senator or Deputy, as the case may be, to the Attorney General of the Republic, and, if necessary, he will give the order of liberation directly, for which he will be able to require the support of public authority, and every depository of public authority must render such support.

ART. 29. The Chambers will meet in regular session February 27th and August 16th of each year and each legislative session will continue ninety days, which can be extended for sixty more days.

Paragraph. They will meet in extraordinary session by summons of the Executive.

ART. 30. On August 16th of each year each Chamber will name from its membership a president, a vice-president, and two secretaries for the term of one year.

Paragraph I. Each Chamber will designate its auxiliary employees, who will remain in their positions as long as they are not expressly removed.

Paragraph II. The president of the Senate and that of the Chamber of Deputies will have disciplinary powers during the sessions; and they will represent their respective Chambers in all legal acts.

ART. 31. When the Chambers unite in a National Assembly, the person to whom the presidency of the Senate belongs at that time will assume the presidency, the president of the Chamber of Deputies will occupy the vice-presidency, and the secretaries of both Chambers the secretaryship.

ART. 32. It is within the competence of the National Assembly:

To examine the record of the election of the President of the Republic, to proclaim it, and, in this event, to receive from him the oath and accept a resignation.

TITLE VI

Concerning the Congress

ART. 33. The powers of the Congress are:

1st. To establish duties or general taxes and to determine the method of their collection and legal disbursement.

2nd. To approve or disapprove, in view of the report from the chamber of accounts, the status of collection and disbursement of the taxes that the executive branch must present to it.

3rd. To take cognizance of the observations that the Executive may make concerning the laws.

4th. To determine what is suitable for the conservation and increase of national property, and for the alienation of the property of the special domain of the Nation.

5th. To determine all matters that relate to the conservation of ancient monuments and to the acquisition of all kinds of prehistoric and historical objects that serve to constitute the national archeology.

6th. To create or abolish Provinces, communes, or other political divisions

of the territory, and to determine all matters that relate to their boundaries and organization.

7th. To declare a state of siege, in case of disturbance of the public peace, and to suspend, where that exists, and for the time of its duration, individual rights established in Article 6, Clauses 5, 6, 10, and 12, Letters (*b*), (*d*), and (*e*).

8th. In case the national sovereignty is found exposed to serious or imminent danger, the Congress may declare that a state of national emergency exists, suspending the individual rights established in Clause 2 to Clause 12, both inclusive, of Article 6 of this Constitution. If the Congress shall not have convened, the President of the Republic may order the same measure, with the obligation of summoning the Congress, by the same act, so that it shall meet within the next ten days, in order to decide upon the maintenance or revocation of the said measure. If it opposes, or if the Congress does not convene, said measure will cease automatically.

9th. To direct everything relating to immigration.

10th. To regulate all that relates to the operation of customs houses.

11th. To increase or reduce the number of the courts of appeal, and to create or abolish ordinary or special tribunals.

12th. To create or abolish tribunals for observing and deciding matters of administrative litigation, and to resolve everything relative to their organization and competence.

13th. To vote extraordinary public expenditures for which the Executive asks a credit.

14th. To set up loans on the credit of the Republic, through the medium of the executive branch.

15th. To approve or disapprove international treaties and conventions that the Executive negotiates.

16th. To legislate with regard to everything concerning the national debt.

17th. To declare by law the necessity of constitutional amendment.

18th. To grant authorization to the President of the Republic to go to a foreign country when it is for more than thirty days.

19th. To interpellate the Secretaries of State on matters within their competence.

20th. To examine annually all of the acts of the executive branch, and to approve them, if they are adapted to the Constitution and the laws.

21st. To approve or reject the contracts that the President of the Republic submits to it in conformity with Clause 10 of Article 49 and with Article 90.

22nd. To create or abolish secretaryships and subsecretaryships of State when, in the judgment of the Executive, it may be necessary for purposes of public administration.

23rd. To decree the transfer of the legislative Chambers from the capital of

the Republic, if justified by reasons of superior force, or by means of a call by the President of the Republic.

24th. To legislate on all matters that are not of the competence of another branch of the State, or contrary to the Constitution.

TITLE VII

Concerning the Formation of the Laws

ART. 34. The following have the right of initiative in the formation of the laws:

1st. Senators and Deputies.

2nd. The President of the Republic.

3rd. The Supreme Court of Justice in judicial matters.

ART. 35. Each bill admitted in one of the Chambers will be submitted to two separate discussions, with an interval of at least one day between one and the other discussion; in case it was previously declared of urgency, it can be discussed in two consecutive sessions.

ART. 36. A bill approved in either of the Chambers will pass to the other for its appropriate discussion, observing in it the same legal forms. If this Chamber makes modifications, it will return said bill with observations to the Chamber in which it was initiated; and, in case of being accepted, will send the law to the Executive; but, if they are rejected, the bill will be returned to the other Chamber with observations, and if the latter approves them, it will send the law in its turn to the Executive; if the observations are rejected, the bill will be considered as defeated.

ART. 37. Every law approved in both Chambers will be sent to the Executive. If the latter does not make objections, he will promulgate it within eight days of receiving it, and will have it published within fifteen days of the promulgation; if he makes objections he will return it to the Chamber from where it proceeded, within the exact period of eight days counting from the day on which it was sent to him, if the matter was not declared of urgency, for in this case he will make his objections within the period of three days. The Chamber that has received the objections will consign them to the order of the day of the next session and will discuss the law anew. If, after this discussion, two-thirds of the total number of the members of said Chamber approve it again, it will be remitted to the other Chamber, and if this Chamber approves it by an equal majority it will definitively be considered a law.

Paragraph I. The President of the Republic will remain obligated to promulgate and publish the law within the indicated periods.

Paragraph II. Bills that remain pending in either of the two Chambers upon the closing of the legislative session must follow constitutional procedure, until converted into law, in the following legislative session. When this does not happen, the bill will be considered as not initiated.

Paragraph III. Every law received in one Chamber, after having been approved in the other, will be established in the order of the day.

ART. 38. When a law is sent to the President of the Republic for promulgation and the time that is left until the termination of the legislative session is less than that specified in the preceding article for observing it, the Legislature will remain open to take cognizance of objections until the expiration of the periods and of the procedure established by Article 37.

ART. 39. After being published, the laws are obligatory for all the inhabitants of the Republic, if the legal time has passed for them to be considered known.

ART. 40. Every law, decree, rule, and act contrary to the present Constitution will be void of any force.

ART. 41. Bills rejected in one Chamber may not be presented in the other, nor anew in either of the two, except in the following legislative session.

ART. 42. Laws have no retroactive effect, except in the case in which they may be favorable to one who is on trial or serving a term of punishment.

ART. 43. Laws will be introduced thus: "The National Congress, in the Name of the Republic."

TITLE VIII

FIRST SECTION

Concerning the Executive Power

ART. 44. The executive power is exercised by the President of the Republic, who will be elected every five years by direct vote.

ART. 45. To be President of the Republic it is necessary:

1st. To be a Dominican by birth and origin and to have resided in the country during the five years immediately preceding his election.

2nd. To have the age required by this Constitution and to be in full exercise of political and civil rights.

ART. 46. The President of the Republic may not resign unless before the National Assembly.

ART. 47. In ordinary elections, the President-elect of the Republic will take possession of his office at the end of the term of the person leaving. When, by reason of being outside of the country, or because of illness, or for any other case of superior force he cannot do so, the president of the Supreme Court of Justice designated for the term that is beginning will take possession in the interim. In case of the permanent absence of the President-elect of the Republic before August 16th, the National Assembly composed of the Senators and Deputies elected with the President, will meet on August 16th to designate a new President of the Republic, in a session which may not be closed or declared in recess until having confirmed the election. If the Presi-

dent-elect of the Republic is permanently absent after August 16th without taking possession of his office, the National Assembly will meet within thirty days of the occurrence of the permanent absence to designate a new President of the Republic, with the same requirements previously indicated.

ART. 48. The President of the Republic, before entering into office, will take the following oath before the National Assembly or before any public official or functionary:

"I swear by God, by my country, and by my honor, to fulfill and to cause to be fulfilled the Constitution and the laws of the Republic, to support and defend its independence, to respect its rights, and to fulfill faithfully the duties of my office."

ART. 49. The President of the Republic is the chief of the public administration and the supreme commander of all the armed forces of the Republic.

It is within the competence of the President of the Republic:

1st. To name the Secretaries of State, to accept their resignations, and to remove them.

2nd. To preserve the Nation from all external attacks.

3rd. To promulgate and make public the laws and resolutions and to supervise their faithful execution. To enact regulations, decrees, and instructions when it may be necessary.

4th. To see to the full collection and faithful disbursement of the national income.

5th. To appoint all public employees whose appointment is not entrusted to another branch or autonomous organization, and the members of the diplomatic corps with the approval of the Senate.

6th. To receive foreign chiefs of State and their representatives.

7th. To preside over all the official acts of the Nation, to direct diplomatic negotiations, and to negotiate treaties with foreign Nations, having to submit them to the approval of the Congress, without which they have no validity and do not obligate the Republic.

8th. In case of a disturbance of the public peace, and if the two Chambers are not meeting, he may decree a state of siege and suspend the individual rights which, according to Article 33, Clause 7 of this Constitution, the Congress is permitted to suspend; he may also, when the Congress is not in session, declare a state of national emergency, with the effects and requirements indicated in Clause 8 of the same article.

9th. To fill interim vacancies that occur among the judges of the courts, tribunals, justices of the peace, and the chamber of accounts, when the Congress is in recess, with the obligation of informing the Senate of said appointments in the next legislative session, so that the latter may decide definitively.

10th. To make contracts, submitting them to the approval of the national Congress when they contain provisions relating to the disposal of the national

income, to the alienation of real property, or the setting up of loans, or when they stipulate exemptions from taxes in general, in accordance with Article 90; and without such approval in the remaining cases.

11th. To fill vacancies that occur in the municipal governments when the number of substitutes is exhausted.

12th. To issue commissions for navigation.

13th. To direct, in time of peace or of war, everything concerning the armed forces of the Republic, to command the national army and navy, by himself, or by means of the person or persons he designates to do so, to fix the number of the forces of the army and the navy and to dispose of the same in time of peace or of war for purposes of public service.

14th. To declare war, on a previous decree of the Congress, and to settle the peace, when it may be necessary, with the intention of obtaining the approval of the Congress.

15th. In case of international war, he may arrest or expel from national territory individuals of the Nation with which the war is being waged, and, in general, aliens whose activities, in the judgment of the Executive, were or can be prejudicial to the national interest.

16th. To ask the Congress for the credits necessary to support the war.

17th. To appoint and suspend the members of the councils of war, in accordance with the law.

18th. To direct everything relative to ocean, river, and military zones.

19th. To determine everything relative to the equipment of ports and sea coasts.

20th. To prohibit, when he judges it appropriate, the entrance of aliens into the national territory and to expel them when he judges it necessary for the public interest.

21st. To change the place of his official residence when he judges it necessary.

22nd. To deposit with the national Congress, at the beginning of the legislative session on February 27th of each year, a message, accompanied by the reports of the Secretaries of State, in which he will give an account of his administration of the previous year.

23rd. To submit to the Congress, during the legislative session that begins August 16th, the draft of the budget of revenues and law of public expenditures corresponding to the following year.

24th. To grant or refuse authorization to Dominican citizens to exercise foreign public offices and to accept and use decorations and titles granted by foreign governments.

25th. To reject by a decree with arguments the excise taxes established by the administrative council of the District of Santo Domingo or by the municipal governments, when they may be contrary to the general economy of the Nation.

26th. To grant total or partial pardon, on February 27th, August 16th, September 24th, and December 23rd, to prisoners who are serving sentences in the prisons of the Republic.

27th. To appoint the president and the other members of the administrative council of the District of Santo Domingo.

ART. 50. The President of the Republic may not go abroad for more than thirty days without the authorization of the Congress.

ART. 51. In the case of the temporary absence of the President of the Republic, the Secretary of State for War and Marine will exercise the executive power while the absence lasts; in the absence of the latter, the Secretary of State for the Interior and Police, and in the absence of these two, the Secretary of State of the Presidency. In case of permanent absence, the person who is invested with the office of Secretary of State for War and Marine will occupy the presidency for the time that is lacking until the completion of the term; in the absence of the latter, the person who is invested with the office of Secretary of State for the Interior and Police, and in the absence of these two, the one who is invested with the office of the Secretary of State of the Presidency.

These secretaryships of State must always be named in the law that establishes them, and to fill them the same conditions are required as those for being the President of the Republic.

ART. 52. By virtue of a decree by the President of the Republic, and while this is not revoked by another decree, a Secretary of State, designated by him, and who meets the conditions required by this Constitution for being President of the Republic, may exercise the executive power temporarily.

ART. 53. In case all the substitutes for the President of the Republic foreseen in Article 51 are absent, the president of the Supreme Court will assume the executive power in the interim, who, within the thirty days that follow the date of his having assumed these functions, will summon the National Assembly to name the definitive substitute in a session that may not be closed or declared in recess until having performed the election. In the event that such a summons is not made within those thirty days, the National Assembly will meet, in full right, to carry to a climax the election in the form foreseen above.

SECOND SECTION

Concerning the Secretaries of State

ART. 54. For the dispatch of the affairs of public administration, there will be the secretaryships of State that the law establishes.

ART. 55. To be a Secretary of State it is necessary:

To be a Dominican in full exercise of civil and political rights and to have reached the age of twenty-five years.

Paragraph. Naturalized persons may not be Secretaries of State except ten years after having acquired their nationality.

ART. 56. The law will determine the powers of the Secretaries of State.

TITLE IX

FIRST SECTION

Concerning the Judiciary

ART. 57. The judicial power is exercised by the Supreme Court of Justice, the courts of appeal, the land tribunals, the courts of first instance, the justices of the peace, and the other tribunals of the judicial branch created by the laws.

SECOND SECTION

Concerning the Supreme Court of Justice

ART. 58. The Supreme Court of Justice is composed of at least seven Judges; but it may meet, deliberate, and pass judgment legally with the quorum that the law determines, which law will regulate its organization.

Paragraph I. Until the said law is voted, the quorum referred to will be five members.

Paragraph II. Upon designating the Judges of the Supreme Court of Justice, the Senate will choose which of them shall occupy the presidency and a first and second substitute to replace the president in case of absence or impediment.

In the event of the cessation of a Judge invested with one of the ranks mentioned above, the Senate will name a new Judge with the same rank, or assign this rank to another of the Judges.

Paragraph III. The Attorney General of the Republic is the chief of judicial police and of the Public Ministry and represents it, personally or by means of the substitutes the law may create, before the Supreme Court of Justice; he has the powers, duties, and prerogatives that the laws entrust to him, and the same rank as the president of the Supreme Court of Justice.

ART. 59. In order to be a Judge of the Supreme Court of Justice or Attorney General of the Republic, it is necessary to be a Dominican by birth or origin, in full exercise of civil and political rights, to have reached the age required by this Constitution, and to be a lawyer or doctor of law with at least eight years in the practice of the profession, or to have been a judge of some court or tribunal or Attorney General for four years.

ART. 60. The office of a Judge of the Supreme Court of Justice is incompatible with any other public office or position, permanent or provisional, with the exception of honorary ones and professorships.

ART. 61. It is within the exclusive competence of the Supreme Court of Justice, without prejudice to the other powers that the law entrusts to it:

1st. To take cognizance in the first and last instance of actions against the

President of the Republic, Senators, Deputies, Secretaries of State, Subsecretaries of State, members of the Supreme Court of Justice, the Attorney General of the Republic, judges and attorneys of the courts of appeal, and the members of the national diplomatic corps.

2nd. To take cognizance of petitions of appeal, in conformity with the law.

3rd. To try, in the last instance, cases the jurisdiction over which, in the first instance, belongs to the courts of appeal.

4th. To exercise the highest disciplinary authority over all the members of the Judiciary, being able to impose even suspension or dismissal, in the form that the law determines.

5th. To remove, provisionally or permanently, from one jurisdiction to another, if it be considered useful, judges of the first instance, resident judges of the land tribunals, and judges of instruction.

THIRD SECTION

Concerning the Courts of Appeal.

ART. 62. There will be at least three courts of appeal for the whole Republic; the number of judges of which they will be composed, as well as the judicial districts that belong to each court, will be determined by the law.

ART. 63. Only Dominicans more than twenty-five years of age, who are in full exercise of their civil and political rights and who are lawyers or doctors of law with at least four years of practice in law, or who have been judges of the first instance for two years, may be judges of the courts of appeal.

Paragraph. Naturalized citizens may not be judges of the courts of appeal except eight years after acquiring Dominican nationality.

ART. 64. The Public Ministry is represented in each court of appeal by an Attorney General, or by the substitutes that the law creates for him, all of whom must meet the same requirements as the judges of these courts.

ART. 65. The powers of the courts of appeal are:

1st. To take cognizance of appeals of sentences passed by the tribunals or courts of first instance.

2nd. To take cognizance, in the first instance, of cases against the magistrates and attorneys of the tribunals and judges of first instance and governors of a Province.

3rd. To take cognizance over other cases that the laws determine.

FOURTH SECTION

Concerning the Land Tribunals

ART. 66. The powers of the land tribunals will be determined by the law.

Paragraph. In order to be president or a judge of the superior land tribunal,

the same qualifications are required as those for judge of a court of appeal, and to perform the other duties of a judge of a land tribunal, the same qualifications as those for being a judge of first instance.

FIFTH SECTION

Concerning the Tribunals of First Instance

ART. 67. For each judicial district there will be tribunals or courts of first instance, with the powers that the law provides for them.

Paragraph. The law will determine the number of judicial districts, the number of judges who will compose the tribunals or courts, and the number of chambers into which they may be divided.

ART. 68. To be a judge of a tribunal or court of first instance it is necessary:

To be a Dominican in full exercise of his civil and political rights, to be twenty-five years of age, and to be a lawyer of the tribunals of the Republic.

ART. 69. To be a district attorney or judge of instruction, the same qualifications required for a judge of a tribunal or court of first instance are necessary.

SIXTH SECTION

Concerning Local Magistracies

ART. 70. In each commune and in the District of Santo Domingo there will be one or more local magistrates, with two substitutes, respectively, appointed by the Senate. Nevertheless, the Supreme Court of Justice, when it considers it appropriate, may provide for the provisional or definitive transfer of justices of the peace from one jurisdiction to another.

ART. 71. To be a local magistrate or substitute it is necessary:

To be a Dominican, to be at least twenty-five years of age, and to be in full exercise of civil and political rights.

Paragraph. They will have the powers that the law determines and will be subject to the requirements of capability that it prescribes.

TITLE X

Concerning the Chamber of Accounts

ART. 72. There will be a permanent chamber of accounts, composed of at least five citizens, appointed by the Senate, chosen from the panels that the Chamber of Deputies presents.

ART. 73. Its powers will be, besides those that the law commits to it:

1st. To examine the general and special accounts of the Republic.

2nd. To present to the Congress, in the first regular legislative session, information in respect to the accounts of the previous year.

ART. 74. The members of the chamber of accounts will continue in their offices for five years.

ART. 75. In order to be a member of the chamber of accounts it is necessary to be a Dominican in the full exercise of civil and political rights and to have reached the age fixed by this Constitution.

TITLE XI

Concerning the Municipal Councils

ART. 76. The government of the communes will be in the charge of municipal councils, the members of which, in number determined by law proportionately to the inhabitants, will be elected by direct vote.

ART. 77. The municipal councils are independent in the exercise of their powers, except for the restrictions and limitations that the laws establish in economic matters.

Paragraph. They may establish excise taxes, with the form of higher approval that the law determines.

ART. 78. The councilors and syndics of the municipal governments will continue in the exercise of their offices for five years. When vacancies occur in the offices of the councilors or syndics, substitutes will continue in their positions until completing the term for which their predecessors were elected.

Paragraph. Male aliens of legal age, and with a residence of more than five years in the commune that elects them, may be councilors under the conditions that the laws establish.

TITLE XII

Concerning the Government of the Provinces

ART. 79. In each Province of the Republic there will be a civil governor appointed and removable by the Executive.

Paragraph. To be a governor it is necessary to be a Dominican, more than twenty-five years of age, and to be in full exercise of civil and political rights.

ART. 80. The organization and government of the Provinces, as well as the powers and duties of the civil governors, will be determined by the law.

TITLE XIII

Concerning Electoral Assemblies

ART. 81. All citizens have the right of suffrage, with the following exceptions:

1st. Those who have lost their rights as citizens by virtue of Article 11 of this Constitution.

2nd. Those belonging to the armed forces and the police corps.

ART. 82. The electoral assemblies will meet with full authority, three

months before the expiration of the constitutional term, and will proceed to exercise the functions that the Constitution and the law determine. In cases of extraordinary summons, they will meet sixty days at the latest after the date of the law of summons.

ART. 83. It is within the competence of the electoral assemblies: to elect the President of the Republic, the Senators and Deputies, councilors, syndics, and substitutes of the municipal governments, and any other officer who is specified by law.

ART. 84. Elections are held by direct vote, with registration of the electors; and with representation of minorities when more than one candidate must be elected, according to the standards that the law indicates.

ART. 85. Elections will be directed by a central electoral board and by boards dependent upon it, which have authority to judge and regulate in accordance with the law.

Paragraph. The central electoral board will assume the direction and command of the public force in the places where said votes are verified.

TITLE XIV

Concerning the Armed Force

ART. 86. The armed force is essentially obedient and in no case has authority to deliberate. The object of its creation is to defend the independence and integrity of the Republic, to maintain public order, the Constitution, and the laws.

Paragraph. In no case may privileged bodies be created.

ART. 87. To belong to any armed body of the Republic it is necessary to be a Dominican in full exercise of civil and political rights.

TITLE XV

General Provisions

ART. 88. No one can be obliged to do that which the law does not command, or be impeded from doing that which the law does not prohibit.

ART. 89. All usurped authority is ineffective and its acts are null. Every decision arrived at by the use of the armed force is null.

ART. 90. No exemption will be recognized, nor any exoneration from, or reduction or limitation of duties, taxes, or fiscal or municipal fees in benefit of private persons will be given, except by virtue of the law. However, private individuals may acquire, by means of concessions that the law authorizes, or by means of contracts that the national Congress approves, the irrevocable right to benefit, for all the time that the concession or contract stipulates, and fulfilling the obligations that one or the other imposes upon them, from exemptions, exonérations, reductions, or limitations of duties, taxes, or fiscal

or municipal fees incidental to certain works or enterprises of public utility, to which it is fitting to attract the investment of new capital for the development of national economy, or for any other object of social interest.

ART. 91. No expenditure of public funds will be valid if not authorized by law and ordered by a competent official.

ART. 92. The general account of the receipts and expenditures of the Republic, made the year before, will be published annually in the month of April.

ART. 93. The relations of the Church and State will continue being the same as they are at present, inasmuch as the Apostolic Roman Catholic Religion is the one that the majority of Dominicans profess.

ART. 94. The national monetary unit is the gold peso.

Paragraph I. Only notes emitted by a single, autonomous entity of emission will have legal circulation and free effect; the capital [of the entity] will be the property of the State provided that it is wholly guaranteed by reserves in gold and by other real and effective values, in the proportions and under the conditions that the law indicates, and under the unlimited guarantee of the State. Nevertheless, the law may maintain in force the provisions that now regulate the circulation of foreign notes, as well as restrict, suspend, or re-establish the terms of the same.

Paragraph II. Metallic monies will be emitted in the name of the State through the medium of the same emitting entity and may be placed in circulation only to replace an equivalent value of notes. The free effect of metallic monies now circulating and of those that may be emitted in the future will be determined by the law.

Paragraph III. Regulation of the monetary and banking system of the Nation will belong to the emitting entity, the superior agency of which will be a monetary board which will be designated and the members of which may be removed only in accordance with the law and who will be responsible for the faithful fulfillment of their functions in conformity with the standards established by the same.

Paragraph IV. The emission or circulation of paper money is prohibited, as well as any other monetary unit not authorized by this Constitution, even though it be by the State or by any other public or private person or entity.

ART. 95. Any modification in the legal system of money or banking will require the approval of two-thirds of the whole of the members of each Chamber unless it has been initiated by the Executive on the proposal of the monetary board or with a favorable vote of the latter.

ART. 96. Mineral deposits belong to the State, and may be exploited by private individuals only by virtue of concessions or contracts that are granted under the conditions that the law determines.

ART. 97. February 27th, the anniversary of independence, August 16th, the

anniversary of the restoration, and September 24th, the anniversary of the financial restoration of the Republic, are national holidays.

ART. 98. The national flag is composed of ultramarine blue and vermillion red colors in alternate quarters, placed in such a way that the blue is toward the upper part of the staff, separated by a white cross half the height of one-quarter in width, and which has in the center the coat-of-arms of the Republic.

Paragraph. The merchant flag is the same as the national, without the coat-of-arms.

ART. 99. The coat-of-arms of the Republic has the colors of the national flag, in the center the Book of the Gospel, open, with a cross over it, both appearing from within an insigne of lances and national flags without shields, with laurel and palm branches on the outside, and crowned with a band on which reads this motto: God, the Fatherland, and Liberty; and at the base, another band with these words: Dominican Republic. It must have the form of a rectangle, with two small inferior angles, ending in a point at the base and placed so that if one traces a horizontal line from one of the two verticals of the rectangle, from where the inferior angles begin, a perfect square results.

Paragraph. The law will regulate the use and dimensions of the flag and the national coat-of-arms.

ART. 100. A person appointed to exercise a public office must give an oath to respect the Constitution and the laws, and to discharge his commission faithfully. This oath will be given before any functionary or public official.

ART. 101. The minimum age of thirty years is required to exercise the offices of President of the Republic, Secretary of State for War and Marine, Secretary of State for the Interior and Police, Secretary of State of the Presidency, Senator, Deputy, member of the revising assembly, Judge of the Supreme Court of Justice, Attorney General of the Republic, member of the chamber of accounts, and chief of diplomatic missions.

ART. 102. The office of all elective officials, whatever the date of their election was, ends uniformly on August 16th of every fifth year, the date on which the constitutional term begins; and, in consequence, they need to have been the object of a new election in order to occupy their offices validly.

Paragraph. When any elective official ceases in the exercise of his office because of death, resignation, dismissal, disqualification, or any other cause, the person who substitutes for him will remain in the office until completing the term.

ART. 103. The organization of political parties and associations is free, in accordance with the law, providing their tendencies conform with the principles established in the second article of this Constitution.

ART. 104. The law of public expenditures is divided into chapters that correspond to the different branches of the administration, and sums may not be transferred from one chapter to another, nor from one budget item to another, except by virtue of a law. This law, when it is not initiated by the

Executive, must have the vote of two-thirds of the total members of each Chamber.

Paragraph I. No law that orders or authorizes payment, or creates a pecuniary obligation against the State, has effect or validity, except when the law itself creates special funds for its execution, or arranges for the payment to be made from receipts estimated from the year, and when from these receipts there remains a sufficient proportion available to do so at the time of the publication of the law.

Paragraph II. The Congress cannot validly vote any expenditure, unless it is included in the bill for the law of public expenditures submitted by the Executive, by virtue of Article 49 of this Constitution, or unless it is requested by the Executive after having sent said bill, except in the event that the law which orders that expenditure has been approved by two-thirds of the total of the members of each Chamber; and all without repeal of the general rule established in the first paragraph of the present article.

Paragraph III. The Congress may not modify the items that figure in the bills for the law that spends funds, or in the law of public expenditures submitted by the Executive, except with the vote of two-thirds of the total of the members of each Chamber; and in accordance with the provisions contained in the first paragraph of this article.

Paragraph IV. When, for any circumstance, the Congress closes the legislative session without having voted the budget of receipts and the law of public expenditures, the law of public expenditures of the previous year will continue in force.

Paragraph V. When the Congress is in recess, the Executive will provide, by means of a decree-law, the transfers of sums within the law of public expenditures that are required for the urgent needs of the administrative service, as well as the creation or elimination of administrative offices or public services that affect that law, with the obligation of submitting the arrangements referred to to the Congress in the next legislative session for its approval.

ART. 105. Justice will be administered gratuitously in all the territory of the Republic.

ART. 106. The development and the beautifying of Trujillo City, capital of the Republic, are declared work of high national interest. In consequence, the State will allot and apply annually to this end a sum in the law of public expenditures no less than a third of the budget for the District of Santo Domingo.

ART. 107. Titles that establish differences between citizens are not recognized in the Republic. But titles of honor that the national Congress gives or has given to citizens who lend or have lent eminent services to the Republic to assure its peace and well-being, or to guarantee or recover its liberty and independence, will be valid and life-long.

TITLE XVI

Concerning Constitutional Amendments

ART. 108. The Constitution cannot be amended except when two-thirds of each Chamber agree.

ART. 109. Having declared the necessity of amendment, the Congress will ordain by a law, that cannot be objected to by the Executive, the meeting of a revising assembly to resolve upon the reform. The articles the amendment of which is proposed will be inserted in the law of summons.

ART. 110. The election of members of the revising assembly will be by the direct vote of the people of the Provinces, in the same proportion as for the election of Deputies.

Paragraph I. No Province will have fewer than two representatives.

Paragraph II. To be able to be elected a member of the revising assembly, the same qualifications are required as for being a Deputy.

Paragraph III. The members of the assembly will enjoy the same immunities as the members of both Chambers.

ART. 111. No amendment may deal with the form of Government, which must always be civil, republican, democratic, and representative.

ART. 112. Amendment of the Constitution may be made only in the manner that it, itself, indicates, and it may never be suspended or annulled by any power or authority or by popular acclamation.

Transitory Provision

Until a monetary law, an organic law of the emitting entity, and a general banking law are enacted and promulgated for constituting a new legal system of money and banking, the present legal monetary system will continue in force.

Given and proclaimed in Trujillo City, District of Santo Domingo, capital of the Dominican Republic, the 10th day of January of the year 1947.

Ecuador



[For comment about constitutional developments during the period of "Gran Colombia," 1819-30, see the historical note on Colombia.]

ECUADOR had no formal, separate constitutional development prior to the disintegration of Great Colombia. On the eve of its own secession from the larger unit, however, May 5, 1830, a constituent assembly promulgated a constitution for Ecuador; eight days later the state officially withdrew from Great Colombia. A second constitution followed five years later; it was approved on July 30, 1835, and promulgated fourteen days afterward. This law established a bicameral congress in place of the one-house legislature of the constitution of 1830. A new constitution was adopted on March 31, 1843, providing for an eight-year presidential term. This was a short-lived document, however. It was supplanted by a further basic law on December 3, 1845, restoring the presidential term of four years.

Ecuador's fifth constitution, often called that of 1850, was approved by a constituent congress on February 25, 1851. This law lasted only a year and a half. It was followed by a constitution signed August 30, 1852, and promulgated one week later. The 1852 constitution resembled in general that of 1845. The seventh constitution appeared early in the following decade, on March 10, 1861; the president, it provided, should be elected by direct and secret vote. The constitution approved on June 9, 1869, not only established Roman Catholicism as the state church (as several earlier basic laws had done) but made various other concessions to the church: citizens must be Catholics, no press freedom on religious matters was to be permitted, etc. Liberals referred to the document as "a charter of serfdom to the Vatican."

The ninth constitution was adopted on March 31, 1878, and the tenth on February 4, 1884, although the latter is sometimes referred to as the constitution of 1883. A new basic law, signed January 12, 1897, was essentially liberal: the voting age was lowered to eighteen (though other qualifications existed), and, although Roman Catholicism was the only religion permitted, no religious qualifications for exercise of civil or political rights were established, no religious orders were permitted, and only native-born clergy were allowed to minister to the people. This constitution was supplanted in somewhat less than a decade, a new one being signed on December 20, 1906. This law provided for freedom of worship and, among other novel features, established proportional representation for the choice of representatives. The

governmental organization provided by the 1906 constitution was highly centralistic.

This law lasted for almost a quarter of a century. It was supplanted by a new instrument signed March 26, 1929. This gave way in a little less than a decade to a constitution dated December 2, 1938, which conferred the vote upon both men and women. Soon afterward, however, the new constitution was suspended and that of 1906 restored. Ecuador's next constitution, its fifteenth, dated from March 5, 1945. President Velasco Ibarra was from the beginning unenthusiastic about some of its provisions, and, when it was a little more than a year old, he suspended it and took steps to convene a new constituent assembly. That body completed its work and signed the new constitution, and the president promulgated it, on December 31, 1946.

POLITICAL CONSTITUTION OF THE REPUBLIC OF ECUADOR

In the name of God, the people of Ecuador, by means of their representatives joined in Assembly, enact the following Political Constitution of the Republic of Ecuador.

FIRST PART

Organization

TITLE I

The Nation, Sovereignty, and Government

ARTICLE 1. The Ecuadorian Nation is composed of Ecuadorians associated under the rule of the same laws and customs.

ART. 2. The Republic of Ecuador, the form of State in which the Ecuadorian Nation is constituted, is unitary, sovereign, independent, and democratic; and its Government is popular, representative, elective, responsible, and alternative.

ART. 3. National sovereignty is exercised by means of the organs of public power that this Constitution establishes.

ART. 4. The national territory includes, in addition to the continental Provinces situated in South America, the adjacent islands, the Archipelago of Colón or of the Galápagos, the territorial sea, the subsoil, and the respective atmosphere.

The national territory is inalienable, and no pact may be negotiated which affects its integrity or which diminishes national sovereignty, without prejudice to the duties imposed by the international juridical community.

ART. 5. The Republic of Ecuador respects the standards of international law, and proclaims the principle of co-operation and good neighborliness among States, and the solution, by juridical means, of international controversies.

ART. 6. Ecuador, within the world community of Nations and for the defense of its common territorial, economic, and cultural interests, will collaborate especially with the Ibero-American States in those matters that are joined by ties of solidarity and interdependence, born of an identity of origin and culture. It may, consequently, form with one or more of said States associations that may have the object of defense of such interests.

ART. 7. The official language of the Republic is Spanish.

The national coat-of-arms, flag, and hymn are those determined by law.

ART. 8. The capital of the Republic is the city of Quito.

TITLE II

Nationality

ART. 9. Ecuadorians are those by birth or by naturalization.

Ecuadorians by birth are:

1st. Those born in the national territory and who may be included in any of the following cases:

I. If both parents are Ecuadorians or aliens domiciled in Ecuador at the date of the birth of the child, or if both are unknown parents.

II. If only one of the parents is Ecuadorian and the child resides in Ecuador or has been inscribed before the age of eighteen years as an Ecuadorian in the register of birth, or if, having reached the expressed age, he does not manifest a contrary wish.

III. The child of alien parents not domiciled [in Ecuador], who, having reached eighteen years of age, declares his wish to be an Ecuadorian.

2nd. Those born in foreign territory and included in any of the following cases:

I. If the father or mother, or both, are Ecuadorians who are in the service of Ecuador, in that territory, at the date of the birth of the child.

II. If the father or mother, or both, are Ecuadorians who are exiled or temporarily absent from the country, on the same date, and

III. If the father or mother, or both, are Ecuadorians or aliens domiciled in Ecuador at the date of the birth of the child, and the latter, having reached the age of eighteen years, does not manifest a contrary wish.

ART. 10. In general, it is presumed that anyone who may have been born in the territory of the Republic is an Ecuadorian by birth.

ART. 11. Ecuadorians by naturalization are:

1st. Those who may have obtained Ecuadorian nationality from the Congress by having rendered relevant services to the country.

2nd. Those who may have obtained a letter of naturalization in conformity with the law, and

3rd. Those born abroad, of alien parents who later were naturalized in Ecuador, while they were less than eighteen years of age. In this case they shall retain the nationality if they do not renounce it in express form.

ART. 12. Neither matrimony nor its dissolution alters the nationality of husband or wife.

ART. 13. Those who, in conformity with previous Constitutions, may have had or acquired Ecuadorian nationality, and have not lost it, shall continue in the enjoyment of it.

ART. 14. Juridical persons authorized by Ecuadorian law are Ecuadorians.

ART. 15. Ecuadorian nationality is lost:

1st. By treason to the Fatherland, judicially declared.

2nd. By naturalization in another State, and

3rd. By cancellation of the letter of naturalization.

ART. 16. Nationality may be recovered in accordance with the law.

TITLE III

Citizenship

ART. 17. Every Ecuadorian, man or woman, more than eighteen years of age, who knows how to read and write, is a citizen, and, consequently, by general rule, may vote and be elected or appointed a public official.

ART. 18. Rights of citizenship are lost:

1st. By fraudulently declared insolvency.

2nd. By conviction in case of fraud in the management of public funds.

3rd. By conviction in case of violation of constitutional provisions, performed by public employees or officials, and

4th. In other cases indicated by the Constitution and the laws.

ART. 19. Rights of citizenship are suspended:

1st. By attempts against freedom of suffrage.

2nd. By judicial interdiction, while the latter continues.

3rd. By a supported judgment, until the sentence is executed, if it is absolute, or until the penalty is fulfilled, if it is condemnatory.

4th. By not having presented, within the legal period, the accounts of public funds, or by not having paid the balances declared in them, while the delay continues, and

5th. In other cases indicated by the law.

TITLE IV

The Suffrage

SECTION I

Concerning Elections

ART. 20. There shall be direct and indirect elections, in accordance with the Constitution and the laws.

ART. 21. Representation of minorities is guaranteed in direct elections when they deal with the election of more than two persons in the same action. The law will determine the form in which said representation will be made effective, and will indicate, furthermore, the cases in which it shall be made to apply to indirect elections.

ART. 22. To be a voter it is necessary to be in the exercise of the rights of citizenship and to possess the other qualifications required by law.

Within these qualifications, the vote in popular elections is obligatory for

a man and optional for a woman. The law will determine the penalty applying to the non-fulfillment of this duty.

The public forces guarantee the purity of the electoral function. They have no right of vote in universal suffrage. Their representation will be functional.

SECTION II

Concerning the Electoral Tribunals

ART. 23. There shall be a supreme electoral tribunal in the capital of the Republic and with jurisdiction throughout the latter, organized in the following form:

Three members designated by the Congress;

Two by the President of the Republic, and

Two by the Supreme Court.

A double number of substitutes shall be designated.

The members will continue four years in their offices and may be indefinitely re-elected. Said offices will be obligatory, and the members will receive, for each session, the honorarium fixed by law.

ART. 24. The powers and duties of the supreme electoral tribunal are:

1st. To regulate and watch over, by itself or by means of its commissioners, the different acts of the electoral process, and thus to give the instructions and take the measures necessary for its proper fulfillment.

2nd. To decide uncertainties that in any case may be presented concerning the interpretation and correct application of the election law.

3rd. To decide in second and final instance the complaints that any citizen may present with respect to violations of the law or inaccuracies in the voting, and to impose or order the corresponding penalties.

4th. To effect the reviews that according to the election law belong to it, and to issue the respective commissions, and

5th. To elect officials from among its members, to enact its by-laws, and to designate the members of the provincial electoral tribunals.

ART. 25. All officials of the administrative branch must give co-operation to the electoral tribunals for the fulfillment of the functions with which the latter are charged.

TITLE V

Concerning the Legislative Function

SECTION I

General Provisions

ART. 26. The legislative function is exercised by the national Congress, composed of two Chambers, that of Senators and that of Deputies.

ART. 27. The regular Congress will be assembled annually on August 10th

in the capital of the Republic, even though it may not be called. The sessions will continue sixty days and may be prorogued up to thirty days more, by decision of the full Congress.

There will be an extraordinary Congress when the Executive may convene it in conformity with Article 92, Clause 4, and when the president of the Congress may convene it at the request of at least two-thirds of the members of the Congress.

An extraordinary Congress may deal only with the matters expressly and concretely determined in the call.

ART. 28. The sessions will be public unless the full Congress or either of the Chambers decides to deal with any matter in secret session.

ART. 29. Neither of the Chambers may be installed without the attendance of two-thirds of the whole of its members, nor continue its sessions without a majority of the whole.

ART. 30. The functions of Senator and Deputy are obligatory in conformity with the law. No Senator or Deputy may be separated from the Chamber to which he belongs, without its permission; and if it should be done he shall remain suspended, by the same fact and for two years, in the exercise of the rights of citizenship.

ART. 31. The Chambers must be installed simultaneously, open and close their sessions on the same day, and function in the same location, and may only be transferred to another place or suspend their sessions for more than three days, by common agreement.

ART. 32. If, on the day indicated for the installation of the Congress, there is not the number of Senators and Deputies prescribed in Article 29, or if, later, the sessions of one of the Chambers cannot be continued for lack of an absolute majority, the members present will compel those absent to attend, by legal means, until the required majority is attained.

ART. 33. Senators and Deputies will not be responsible for the opinions they manifest in the Congress, and they will enjoy immunity for thirty days before the sessions, during them, and for thirty days afterwards. They may not be indicted, arrested, or prosecuted if the Chamber to which they belong does not previously authorize the indictment, arrest, or prosecution by a vote of the majority of the members present. When any Senator or Deputy may be surprised committing a crime or offense he will be placed at the disposal of the Chamber to which he belongs in order that the latter may declare, with knowledge of the indictment, whether a trial should or should not take place. But if the crime or offense should be committed when the Congress has closed its sessions, the indictment of the Senator or Deputy may proceed freely.

ART. 34. Senators or Deputies who may accept paid commissions or employment from the Executive leave vacant, by the fact of acceptance itself, the post of legislator which they occupied in the Chamber to which they were elected.

ART. 35. Each one of the Chambers is empowered to elect its officials from among its members, to take cognizance of claims that may be presented with respect to the qualifications made by the supreme electoral tribunal, to pass on the fitness of the latter and to accept or refuse their resignations, to appoint employees, and to enact regulations for the direction of its work.

ART. 36. The following may not be elected Senators or Deputies, or discharge those functions, except by having left the exercise of their offices at least six months before the elections and except for what is determined by Article 179:

The President and Vice-President of the Republic, Ministers of State, ministers of any faith, the Comptroller General of the Nation and the Subcomptroller, the Attorney General of the Nation, the superintendent of banks and the managers of banks established by the State, diplomatic and consular agents, the magistrates, judges, officials, prosecutors, and titular secretaries who do not have a provisional status in the tribunals and courts, and officials and employees of the free appointment and removal of the Executive who enjoy remuneration.

The prohibition relative to employees of the executive branch who enjoy remuneration does not refer to Senators of functional representation.

Neither may any person be elected by a Province if, within it or part of its territorial extent, he may exercise or may have exercised, within the six months prior to the elections, civil, political, or military authority or jurisdiction of a non-provisional character.

ART. 37. Neither may the following be elected Senators or Deputies: members and secretaries of the electoral tribunals except in case they have left the exercise of their offices at least two months prior to the elections. The obligatory status to which Article 23 refers in its last paragraph is annulled, for the first of these, by the fact of accepting candidacy.

ART. 38. No one may be elected Senator or Deputy, or discharge these functions, who may have contracts or concessions from the State for the exploitation of national wealth or of public services; or the representatives or attorneys of the latter or of foreign companies who are in the same categories.

ART. 39. No one may be elected Senator or Deputy by a Province who is not a native of the same and who has not had his domicile in it for at least three consecutive years immediately prior to the date of his election.

ART. 40. If the same citizen is elected Senator or Deputy by different Provinces, or Senator and Deputy at the same time by one or more, he shall choose a single one of said offices, and, taking possession of it, shall definitively lose a claim on the others.

ART. 41. If, for any reason, the election of one or more of the Senators or of one or more of the Deputies has not been held, this circumstance shall not impede the installation of the Congress, provided that it has the number of Senators and Deputies prescribed in Article 29.

SECTION II

The Chamber of the Senate

ART. 42. The Chamber of the Senate is composed of two Senators for each Province of the sierra and of the littoral, elected by direct popular vote. There shall be, moreover, one Senator for the Archipelago of Colón and one for each one of the eastern Provinces, elected by direct suffrage, and

The following functional Senators, designated: one by public education, elected by the universities; one by private instruction; one by journalism and the scientific and literary academies and societies which may have juridical personality, established at least five years before the date of the elections; one by agriculture, one by commerce, one by the workers, and one by industry of the littoral; one by agriculture, one by commerce, one by the workers, and one by industry of the sierra; and one by the public forces.

The law will determine the form of election of these Senators, and no one may be elected a functional Senator who does not have a status in the exercise of the activity that he represents, at least during the year immediately prior to the date of the election, and he shall cease [to occupy a senatorship] in the case of terminating said activity.

ART. 43. Senators shall continue four years in their offices and may be re-elected indefinitely, except for what is provided in the final part of the preceding article.

ART. 44. To be a Senator it is necessary:

1st. To be an Ecuadorian by birth and to be in the exercise of the rights of citizenship.

2nd. Not to be included in any of the cases of disqualification prescribed in this Constitution or in the election law, and

3rd. To be at least thirty-five years of age.

ART. 45. Exclusive powers of the Chamber of the Senate are:

1st. To take cognizance of accusations proposed by the Chamber of Deputies against officials to whom Article 50, Clause 2 refers.

2nd. To rehabilitate in the enjoyment of rights of nationality or of citizenship in the cases in which that re-establishment is not effected by the ministry of the law.

3rd. To elect each year from among its members one principal and two substitute Councilors of State.

4th. To rehabilitate those unjustly condemned, establishing their innocence, their honor, or their memory, and

5th. To require the President of the Republic to make effective the responsibilities of public officials and employees who may have abused their powers or failed in the fulfillment of their duties.

In cases of the indictment of the President of the Republic, the Vice-Presi-

dent, or the one charged with the executive office, the Senate shall be presided over by the president of the Supreme Court.

ART. 46. When the Senate takes cognizance of any accusation relative solely to official conduct, it may impose no other penalty than that of suspension from or deprivation of office, or disqualification, for the time that it considers appropriate for obtaining public employment.

If, furthermore, the material facts of the accusation make a penal violation liable, the Senate, after judging the official conduct, will proceed in the form determined in the preceding paragraph.

When [the accusation] does not deal with official conduct, the Senate will limit itself to declaring whether or not there is ground for a trial, and, in an affirmative case, it will place the accused at the disposal of the respective judge or tribunal.

SECTION III

The Chamber of Deputies

ART. 47. The Chamber of Deputies is composed of the citizens whom the Provinces of the Republic elect in conformity with the election law.

Each Province will elect one Deputy for every 50,000 inhabitants, and, if there remains an excess of 25,000 or more, it will elect another Deputy.

Every Province, except the Archipelago of Colón, will elect at least two Deputies, even though it may not have 50,000 inhabitants.

ART. 48. To be a Deputy it is necessary:

- 1st. To be an Ecuadorian by birth.
- 2nd. To be in enjoyment of the rights of citizenship.
- 3rd. To be at least twenty-five years of age, and
- 4th. Not to be included in any of the cases of disqualification prescribed in this Constitution and in the election law.

ART. 49. Deputies continue two years in their offices and may be re-elected indefinitely.

ART. 50. Exclusive powers of the Chamber of Deputies are:

1st. To elect each year, from among its members, one principal and two substitute Councilors of State.

2nd. To examine accusations that may be proposed against the President or the Vice-President of the Republic, the person charged with the executive function, Ministers and Councilors of State, Ministers of the Supreme Court, Senators and Deputies in the case of Article 33, and members of the supreme electoral tribunal. If it judges that said accusations are well founded it must present them to the Senate.

ART. 51. If the Chamber of Deputies refuses to propose an accusation, or [the Chamber] of the Senate rejects it as not well founded, it may not be renewed on the same grounds that motivated it unless it deals at the same time with those that constitute a common offense.

ART. 52. Accusations referring to official conduct may be proposed only by Ecuadorian citizens, within the term of the exercise of the respective public offices of the accused and for one year afterward.

SECTION IV

Powers of the Congress Divided into Chambers

ART. 53. The Congress, divided into Chambers, has power:

1st. To exercise the powers established in Clauses 2 and 3 of Article 189 of this Constitution, making clear in an express law that which it decides or interprets.

2nd. To approve the amendment of the Constitution, in accordance with what is provided in Article 190.

3rd. To enact the laws necessary for the effecting of constitutional guarantees, and, in general, for the fulfillment of all provisions of the Constitution and the realization of the purposes of the State.

4th. To watch over, by itself or by means of organs created for the purpose, the legal and correct administration and proper expenditure of national revenues.

5th. To establish or suppress imposts, taxes, and other public receipts.

6th. To authorize the Executive to negotiate contracts for loans and securities that may involve the public credit, which may not be carried into execution until after ratification by the full Congress.

7th. To recognize the public debt and to determine the manner of effecting its conversion, amortization, consolidation, and payment.

8th. To regulate the administration of national properties and to decree or authorize the alienation or the hypothecation of real property. That which is provided by law will prevail with regard to the sale of movable property.

9th. To require of the appropriate authorities, by simple resolution of either of the Chambers, that they make effective the responsibility of public employees who may have abused their powers or failed in the fulfillment of their duties, except for what is provided in Article 45, Clause 5.

10th. To pay attention to the efficient service of the public administration, creating or suppressing offices and employment, if it is necessary, without prejudice to the powers granted by law to other authorities.

11th. To declare, in conformity with the law and in consideration of the respective judgment, the legal and pecuniary responsibility or non-responsibility of Ministers of State.

12th. To grant honorable mention to those who may have rendered relevant services to the Nation, or to decree public honors to their memory.

13th. To determine and make uniform the fineness, weight, value, and denomination of the national money and to decide regarding the admission

and circulation of foreign [money]. The decimal system is adopted as official for money as well as for weights and measures.

14th. To fix, annually, the maximum of the armed force which must remain in service in time of peace.

15th. To approve or disapprove public treaties and other conventions, which may not be ratified or exchanged without this approval.

16th. To grant general or individual amnesties and pardons for political infractions, and general amnesties and pardons for common infractions, when any serious reason may require it. Except in those cases, the Congress cannot oppose the substantiation of the [judicial] process or the execution of sentences or orders of the judicial office.

17th. To permit or refuse the transit of foreign troops through the Territory of the Republic, and the transit or stationing of surface or submergible war vessels in territorial waters for the greatest time that is permitted by international practices. An equal authority prevails with regard to the transit, arrival, and stay of military airplanes. These provisions are not applied in cases of forced arrival or landing.

18th. To establish or abolish Provinces or cantons, and to fix their boundaries.

19th. To open and close ports.

20th. To declare of national character the public works that it considers necessary, without prejudice to the powers that are granted by law for this purpose to other authorities or institutions.

21st. To enact national codes and other laws and decrees that have the object of establishing, maintaining, modifying, or abolishing the law, as well as to interpret them, with a generally obligatory character, to amend or repeal them, and to regulate the different branches of the public administration.

In the recess of the Congress, it is the function of the Supreme Court, in case the chambers of this Tribunal issue or have issued contradictory judgments on the same point of law or on the interpretation of a law, to establish the standard that must govern for the future, with a generally obligatory character, though it may not determine anything contrary to the law.

22nd. To adopt agreements, decisions, and other acts which, being legislative, are not included in any of the cases of the preceding clause, and

23rd. To exercise other powers that this Constitution may confer on it.

ART. 54. It is prohibited to the Legislature:

1st. To intervene in any matter which, according to the Constitution, pertains to another authority or body.

2nd. To impair the powers that this Constitution may confer on another national or sectional authority or body.

3rd. To order any payment if the credit is not previously verified in accordance with the laws, or to decree indemnifications without a previous definitive judgment.

- 4th. To remit balances of accounts and other debts in favor of the treasury.
- 5th. To decree new life pensions and to increase existing ones, with the exception of those that may be granted in favor of constitutional ex-Presidents of the Republic.
- 6th. To establish and recognize lifetime public employment or offices.
- 7th. To delegate to one or more of its members, or to another person, body, or authority, any of the powers specified in the preceding article or another function of those that may belong to it.
- 8th. To suggest the promotion or reincorporation of officers of the armed forces and to promote them, without the previous request of the President of the Republic, and
- 9th. To execute any act prohibited by this Constitution.

SECTION V

Powers of the Full Congress

ART. 55. It is the function of the Congress in joint session:

- 1st. To amend the Constitution, subject to what is provided in Article 190.
- 2nd. To declare legally elected the President and Vice-President of the Republic, in conformity with Articles 84 and 102, and to receive from them the legal oath.
- 3rd. To accept or refuse an excuse or resignation of the President or of the Vice-President of the Republic, and to declare the physical or mental inability of the same for the discharge of office.
- 4th. To elect the Ministers of the Supreme Court and the superior courts, the Comptroller General of the Nation, the Attorney General of the Nation, the superintendent of banks, members of the legislative committee, and other officials whose designation belongs to it. The election of the Attorney General of the Nation, the superintendent of banks, and the Comptroller General of the Nation shall be made from a previous panel presented by the President of the Republic.
- 5th. To receive the oath of the officials whose appointment belongs to it, and to accept or refuse their excuses or resignations.
- 6th. To approve or reject, by secret vote, the promotions of generals and colonels, which the President of the Republic may request with the requirements of the law.
- 7th. To examine the official conduct of the Ministers of State and to censure them if there is reason.
- 8th. To enact the national budget in the form which this Constitution establishes.
- 9th. To grant or refuse extraordinary powers to the President of the Republic; to withdraw them, as the case may be, and to examine the use that has been made of them.

10th. To receive the President of the Republic and the president of the Supreme Court, who, in person, will give an account of the matters concerning the executive and judicial offices, respectively.

11th. To take cognizance of the matters that may be submitted by either of the Chambers.

12th. To declare war and to settle peace, in accordance with the information of the President of the Republic.

13th. To discuss, and approve or disapprove, bills that the legislative committee presents, as well as to approve or disapprove emergency decrees that the Executive may issue in exercise of the power granted by Article 80, and

14th. To exercise other powers prescribed by this Constitution.

ARR. 56. The presidency of the Congress in joint session belongs, in order, to the Vice-President of the Republic, the president of the Chamber of Deputies, the vice-president of the Chamber of the Senate, and the vice-president of the Chamber of Deputies.

ARR. 57. To have joint sessions of the Congress it is necessary that a numerical majority of each one of the Chambers of Senators and Deputies attend. Every decision or election of the full Congress, in order to take effect, will require a vote equal to at least two-thirds of the legislators attending.

In case of not having two-thirds, [the matter] will be decided in the following session. And if it is not possible to obtain said number in this second session, the decision shall be made in the next session by a majority of the votes of those attending the latter.

SECTION VI

The Formation of Laws and Other Legislative Acts

ARR. 58. Laws and legislative decrees may have their origin, as the case may be, in the full Congress or in one of the Chambers, on the proposal of at least three of its members, the Executive, the Supreme Court, the legislative committee, or the national council of economy.

ARR. 59. Every bill or decree will be presented with an explanation of reasons, and will pass to the study of a committee in order that it may report on its desirability or undesirability. In case of approval or of a favorable report the bill or decree will take its course.

A bill or decree that may be rejected in the Chamber of origin may not be dealt with in the same legislative session unless it is presented anew with substantial modifications.

Functional Senators and the authors of a bill will be *ex officio* members of the respective committee.

In case of an unfavorable report, the Chamber or the Congress, as the case may be, will resolve whatever may be appropriate.

ARR. 60. A bill or decree having been approved in the Chamber of origin,

it will pass immediately, stating the days on which it was discussed, to the other Chamber, which shall give or withhold its approval, or make the observations, additions, or modifications it may consider appropriate.

ART. 61. If the revising Chamber should reject, in whole or in part, a bill coming from the Chamber of origin, or should modify it, it shall return the bill to the latter, giving an explanation of its reasons for the total or partial rejection or the modification. If the Chamber of origin agrees with the total rejection of the revising Chamber, the bill shall be sent to the archives; if it agrees with the partial rejection or the modification, the bill will take its course with these amendments. Finally, if the Chamber of origin should not accept what is done by the revising Chamber, both Chambers will be assembled in joint session to reconcile the divergency in a single discussion.

ART. 62. Every bill or decree, to be considered approved by the Legislature, must have been discussed and approved in two debates and on different days in each Chamber.

Laws in which amendments to the Constitution may be proposed, bills presented by the legislative committee or the national council of economy, and the national budget law will be discussed and approved in joint session, in two debates and on different days.

ART. 63. If bills on the same subject are presented in both Chambers, preference will be given to the one first presented; with regard to which the secretaries of the Chambers must communicate the reception or presentation of every new bill.

ART. 64. The declaration of the Congress on subjects of common or private interest, respectively, will, when it creates, modifies, or extinguishes rights, or modifies, interprets, or repeals the law, be by law or decree, for legislative purposes.

The Congress will employ the words "Opinion" or "Resolution" in decisions on simple procedures or regulations, or for other legislative actions not included in the preceding clause.

ART. 65. A bill or decree that is definitively approved in the indicated form will be sent to the Executive in order that he may sanction or object to it. If he sanctions it, he will promulgate it; if he objects to it, he will return it to the Chamber of origin within ten days with all his observations, whether on unconstitutionality or inexpediency.

ART. 66. The Chamber of origin, as soon as it receives the bill with the objections of the Executive, will invite the colegislative [body] to take cognizance of them in joint session, either to examine the whole of the bill or to consider simple amendments or modifications.

If the objections are not based on unconstitutionality, the full Congress will decide in a single discussion and may insist on the original bill, rejecting the modifications or amendments or accepting one or more. In the case of complying with the objection to the whole of the bill, it will be sent to the archives.

In case of insistence [on the bill], it will return it to the Executive, who will be obliged to sanction and promulgate it.

ART. 67. When the Executive considers a bill or decree unconstitutional, he is obliged to object to it and will return it to the Congress with the respective supported objections. If the full Congress accepts them it will send the bill to the archives; but if it does not accept them, it will send it to the Supreme Court, which must issue its opinion within a maximum period of eight days. If the Supreme Court also considers the bill unconstitutional, the Congress may not insist on it, and it will be sent to the archives. In a contrary case, the bill will follow the appropriate procedure.

ART. 68. If the objections deal [both] with the unconstitutionality and the inexpediency of the bill, in whole or in part, once the [question of] constitutionality is decided, according to the preceding article, the full Congress will take cognizance of the other objections of the Executive, observing in this case what is provided in Article 66.

ART. 69. If the Executive does not return the bill, approved or objected to, within ten days, or if it is not sanctioned after fulfillment of the constitutional requirements, the bill will have the force of law.

Bills the sanction of which may have been left pending in the office of the Executive at the termination or suspension of the sessions of the Congress, and which have been objected to in time, will be published, with the objections, in the *Registro oficial* within a period of twenty days, and will be presented to the next Legislature in the first three days of its sessions. If they should not have been published in the form expressed, the bills will have the force of law.

ART. 70. A law will have no force except by virtue of its promulgation, which will be made by publishing it in the *Registro oficial*.

ART. 71. Treaties and conventions will be considered by the full Congress in a single discussion, without prejudice to what is provided in Clause 15 of Article 53, and the respective decree which may be issued will not be subject to the general regulation relative to the term [of issuance], for its sanction. The Executive may consequently delay it, if he considers it appropriate, giving an account of his decision to the Congress, in public or secret session in his judgment.

ART. 72. Bills that pass to the Executive for sanction will go in duplicate, both [copies] signed by the presidents and secretaries of the two Chambers, and with certification of the days on which they were discussed.

ART. 73. Agreements and resolutions of the full Congress or the Chambers will be enacted in a single discussion, will not require the approval of the Executive, and will be communicated to those who must comply with them.

ART. 74. In laws, decrees, agreements, and resolutions that the Legislature may enact, the following formulas will be employed, according to the cir-

cumstances: "The Congress of the Republic of Ecuador," "decrees," "agrees," "resolves," "insists"; "the Chamber of the Senate," "the Chamber of Deputies," "agrees," "resolves."

The Executive will use these, according to the circumstances: "Let it be executed" or "Let it be vetoed."

ART. 75. Laws and decrees will be promulgated by the Executive within the fifteen days following that of his approval; and if it should not be done within this term, the Council of State will do it within the ten days following.

ART. 76. If, in the enactment of a law, any of the constitutional requirements of form should have been omitted, and, nevertheless, it should be promulgated as a law, the Supreme Court will at any time suspend, with acknowledgement of the reasons, the effects of such promulgation; and will put it under the jurisdiction of the following Congress, which, in joint session and in a single discussion, will decide what is appropriate, all of which will be published in the *Registro oficial*.

Neither a decision of the Supreme Court nor one of the Congress will have retroactive effect.

SECTION VII

The Legislative Committee

ART. 77. For the purpose of elaborating, on its own initiative, bills of amendment or interpretation of the Constitution and bills in general, with the exception of those of an economic character, the initiation of which belongs to the national council of economy, and codifying and editing laws, there is established in the capital of the Republic a legislative committee composed of five members, thus:

One representative of the Chamber of the Senate;

One representative of the Chamber of Deputies;

One representative of the executive branch;

One representative of the Judiciary, designated by the Supreme Court, all of whom will continue four years in their offices and may be indefinitely re-elected, and

The dean of the faculty of jurisprudence of the Central University.

There will be two substitutes for each one of the principal members.

ART. 78. The same qualifications are required to be a member of the legislative committee as to be a Senator, and those who enter into the exercise of the office may not discharge any other, not even those of obligatory character, except in the cases determined by law.

SECTION VIII

The National Council of Economy

ART. 79. There is organized a national council of economy for the study of the economic problems and the orientation of the finances of the country. The law will determine its form of organization and functioning.

ART. 80. In order to issue emergency decree-laws in the economic field, the President of the Republic will apply to the national council of economy in order that this organ may indicate the measures that must be adopted for the purpose of normalizing the situation or may issue an opinion on those that the Executive may propose.

The Executive may not issue legal emergency measures of an economic character without previously consulting with the national council of economy.

Said decrees must be promulgated with the respective report of the national council of economy, a requirement without which they will not have the force of law.

The President of the Republic will be obliged to give an account to the Congress of this sort of decrees, indicating the reasons he may have had for issuing them when the opinion of the national council of economy has been unfavorable.

TITLE VI

Concerning the Executive Function

SECTION I

General Provisions

ART. 81. The executive function is exercised by the President of the Republic.

ART. 82. To be elected President of the Republic it is necessary to be an Ecuadorian by birth, to be in exercise of the rights of citizenship, and to be at least thirty-five years of age.

ART. 83. The President of the Republic will continue four years in his office, and may not again be President or Vice-President until after four years counted from the end of the presidential term for which he was elected.

ART. 84. The President of the Republic will be elected by direct and secret vote the first Sunday of the month of June every four years, in conformity with the election law. The presidential term will begin the September 1st following.

The supreme electoral tribunal will certify the scrutiny [of the vote] and will transmit to the Congress on the first day of sessions the act of scrutiny, the ballots, and other supporting documents. The full Congress, after a review of the scrutiny in case it considers it necessary, will declare elected the citizen who has obtained the greatest number of votes. In case of a tie in the votes,

the vote of an absolute majority of the legislators present will decide the election by secret ballot and limited to those citizens who obtained said tie in the popular election. If there should be a tie in this ballot it shall be decided by lot.

In case the supreme electoral tribunal should not make the scrutiny within the period indicated by law, it will be made by the Congress.

The president of the Congress will communicate his designation to the person elected, who will take the legal oath on August 31st; but if, for any reason, he cannot take it on that date, he will have a period of sixty days in which to take possession [of the office], counted from that on which the office became vacant, observing what is prescribed in Articles 88, 89, and 91. The stipulation in Article 90 will govern in the intervening time.

If the Congress is not assembled on the date on which the person elected must take the oath, the Council of State will receive it.

The President of the Republic, on taking possession of his office, will take the following oath:

"I, ———, accept the office of President of the Republic and solemnly swear to obey and defend the Constitution and the laws of Ecuador."

ARR. 85. The following may not be elected President of the Republic:

1st. Relatives within the fourth degree of consanguinity and the second of affinity of the President of the Republic.

2nd. The Vice-President of the Republic.

3rd. The one who, at the time of the election, was exercising the presidency of the Republic, anyone who may have exercised it within the six months immediately preceding that, and relatives of one or the other within the same degrees.

4th. Ministers of State, who were such at the time of the election, or their relatives within the second degree of consanguinity or the first of affinity, and

5th. Anyone who may have discharged a ministry of State within the six months immediately preceding the election.

ARR. 86. Neither the President of the Republic nor the one who replaces him may, without authorization from the Congress, if it should be assembled, or from the Council of State in a contrary case, absent himself from the national territory while he exercises his office or for one year afterward.

ARR. 87. The President of the Republic definitively ends his functions: by the ending of the term fixed in the Constitution; by death, removal, or acceptance of a resignation; by abandonment of the office; or by permanent physical or mental incapacity, declared by the Congress.

The fact of absenting himself from the Republic without the corresponding authorization or of remaining absent for a greater time than indicated by the same constitutes abandonment of the office.

In case of the death of the President, the Council of State will call to the exercise of the presidency the one to whom it belongs.

If, in the recess of the Congress, the Council of State considers that there is reason to assume that the office has been abandoned on the part of the President or that the latter is physically or mentally incapacitated, said Council will provisionally call the respective substitute and in the act will convene an extraordinary [session of the] Congress for the purpose of adopting the appropriate decision.

Physical or mental incapacity may not be considered by the Council of State except by virtue of a written petition from the Supreme Court, which will accompany its petition with documents supporting the acts denounced.

What is said in this article with respect to the President of the Republic will be applied, as the case may be, to whomever may be exercising the presidency.

ART. 88. In all cases of permanent or temporary absence of the President of the Republic, titular or prospective (*electo*), the office will devolve upon the Vice-President of the Republic.

ART. 89. If the Vice-President should also default, permanently or temporarily, the presidency of the Republic will be exercised by one of the following officials, in this order:

- 1st. The president of the Chamber of Deputies.
- 2nd. The vice-president of the Chamber of the Senate, and
- 3rd. The vice-president of the Chamber of Deputies.

ART. 90. In the default or accidental impediment of the one who legally must substitute for the President of the Republic, the one who follows, according to the order expressed in the preceding article, will serve as a substitute for such, until the person called in conformity with what is determined in said article assumes the exercise of the executive function.

ART. 91. The one who, in conformity with the order and in the cases that are established in the three preceding articles, permanently occupies the office of President of the Republic, will continue in its exercise during the whole term for which he was elected titular President.

SECTION II

Powers and Duties of the President

ART. 92. The powers and duties of the President of the Republic are:

- 1st. To maintain internal order and watch over the external security of the Republic.
- 2nd. To sanction and promulgate laws and decrees of the Congress and to issue regulations, which will not interpret or alter them, for their execution.
- 3rd. To comply and cause compliance with the Constitution and the laws of the Republic.
- 4th. To convene the Congress in regular sessions, and in extraordinary [sessions] when he may consider it necessary.

5th. To dispose of the public force, as its chief, when defense and the public service of the Nation may demand it.

6th. To appoint and remove freely Ministers of State, governors of Provinces, and other officials and employees of the administrative class whose appointment and removal is not attributed to other authorities by the Constitution and the laws.

7th. To direct the international relations and diplomatic negotiations of the Republic; to negotiate treaties and to ratify them, with the previous approval of the Congress, and to exchange ratifications.

8th. To appoint and remove diplomatic and consular agents. Authorization by the Senate, or, if it should not be assembled, by the Council of State must precede the appointment of ambassadors and ministers plenipotentiary.

9th. To request from the Congress promotions to the ranks of general and colonel, and to confer those of lieutenant colonel and major in agreement with the Council of State, subject in all respects to the law.

10th. To grant, in conformity with the law, certificates of invalidity, letters of retirement, and military gratuities.

11th. To issue and cancel letters of naturalization, in conformity with the Constitution and the laws.

12th. To issue commissions for navigation.

13th. To care for national properties and the receipt, administration, and expenditure of public revenues, as well as the rendering of the respective accounts and the collection of balances made in accordance with the law.

14th. To issue patents for monopoly and to grant titles of industrial property, in the form prescribed by law.

15th. To pardon, reduce, or commute, in conformity with the law, penalties that may have been imposed in penal trials. To exercise this power, it must be preceded by:

I. An executed condemnatory sentence.

II. A report of a judge or tribunal, and

III. A favorable opinion of the Council of State.

16th. To equip and close ports, temporarily in the recess of the Congress, in agreement with the Council of State.

17th. To grant the permission, in the recess of the Congress and with the authorization of the Council of State, that is referred to in Clause 17 of Article 53, and

18th. To comply with and exercise the other duties and powers that the Constitution and the laws may impose and confer on him.

ARR. 93. The President, or the one who substitutes for him, will report to the Congress, on the first day of its session, on the political and military state of the Republic and with regard to its revenues and resources, indicating the improvements and reforms that it may be necessary to make in each branch of the administration.

ART. 94. In case of the imminent menace of foreign invasion, that of international conflict, or that of internal disturbance the Executive will apply to the Congress, if it should be assembled, and, if not, to the Council of State, in order that, after considering the urgency, according to the report and the appropriate supporting documents, it may grant or refuse, with the restrictions that it may consider proper, all or part of the following extraordinary powers:

1st. To declare the army mobilized (*en campaña*) while the danger continues.

In case of internal disturbance, the declaration that the army is mobilized will be limited to one or more Provinces, according to what the circumstances require.

2nd. To increase the armed forces and to establish military authorities where he judges it appropriate.

3rd. To decree the anticipated collection of taxes and other contributions, up to one year.

4th. To contract loans.

5th. To expend treasury funds for the defense of the State and the conservation of public order, even though they may be intended for other purposes, with the exception of those belonging to public welfare and sanitation.

6th. To move the capital of the Republic, if it should be menaced or when grave necessity may require it, until the menace or the necessity ceases.

7th. To close and equip ports temporarily.

8th. To arrest those suspected of abetting a foreign invasion or internal disturbance, or of taking part in these; but they will be placed, within six days at the most, at the disposal of a competent judge, with [a report of] the activities practiced and other documents that led to the arrest, or will be sentenced to confinement within the same six days.

Detention will be in places that are not used as jails for common convicts.

9th. To confine those suspected of abetting war and those accused of taking part in internal disturbance.

The confinement may not take place except in the capital of a Province.

It is especially prohibited to confine [anyone] in the eastern Provinces or in the Archipelago of Colón, or to oblige the suspected person to go to the place of confinement by roads that may not be the customary ones.

It is likewise prohibited to confine residents of the sierra in the littoral Provinces, and vice versa, unless, in agreement with the authorities and in writing, the person confined voluntarily elects any of the places excluded from confinement. If the suspected person should ask for a passport in order to leave the Republic it will be granted him, giving him a prudent time, not less than eight days, in which to arrange his affairs, and leaving it to his free will to choose a road.

On the cessation of the extraordinary powers, the confined and expatriated

persons will recover their liberty *de facto*, and may return to the place of their residence without safe-conduct or passport.

What is provided in the preceding clauses will not hinder those suspected from being submitted to trial and punished by the ordinary tribunals, provided that they are not granted amnesty. If condemnatory sentence is pronounced, the time of confinement or of expatriation will be counted toward the penalty.

10th. To establish previous censorship, exclusively of news, of the press and the radio.

11th. To declare a security zone, specifying a portion of the national territory or all of it, and to decree the supremacy of military law.

ART. 95. In case of catastrophe, such as a conflagration, earthquake, inundation, etc., the Executive may make use of the last of the aforesaid powers without the necessity of previously resorting to the Congress or to the Council of State, and with the sole obligation of giving an immediate account to the one or the other, as the case may be, in order that it may decide what is appropriate. Without prejudice to the preceding, he may also request others of the powers specified in the preceding article, observing the procedure of the same.

ART. 96. The powers granted to the President of the Republic according to Article 94 will be limited to the time, place, and objects indispensable for the re-establishment of the tranquillity or security of the Republic; all of which will be detailed in the decree of concession.

As soon as the circumstances that gave rise to the concession of extraordinary powers cease, the Council of State will withdraw them, under its responsibility.

The President of the Republic may not delegate extraordinary powers except to the governors of Provinces and by agreement with the Council of State. Governors may not confine [anyone] except by express order of the President of the Republic.

The President of the Republic and the civil authorities who order the execution of his commands will be directly responsible for abuses they may commit.

The authorities to whom the preceding paragraph refers will also be responsible for compliance with orders that the President of the Republic may give exceeding his powers.

ART. 97. The President of the Republic, by the fact of the Congress being installed, will cease in the exercise of extraordinary powers, and will present to that body, within the first eight days of the session, a detailed report of the use he has made of such powers.

The Congress will take its decision, approving the procedure of the Government or declaring its responsibility.

ART. 98. It is prohibited to the President or to the one who substitutes for him:

- 1st. To violate the provisions of the Constitution and the laws.
- 2nd. To hinder or restrain the electoral process or to employ procedures of physical or moral coercion or influence for a determined result in elections.
- 3rd. To make illegal designs against the independence of the judges or to interpose his authority in judicial proceedings.
- 4th. To dissolve the Congress or to hinder it in the free exercise of its functions.
- 5th. To admit aliens to the military service, without a previous contract negotiated in conformity with the law.
- 6th. To exercise his functions outside of the national territory or to be absent from the capital of the Republic for more than thirty consecutive days.

During an absence from the capital of the Republic, which may not be for more than thirty consecutive days, the President may exercise his functions in any place in the national territory in which he is situated.

ART. 99. The President of the Republic, or the one who exercises the office, incurs an especial responsibility, above all, for treason to the Fatherland or for conspiracy against the Republic.

He is also especially responsible for: infringing the Constitution and the laws, violating constitutional guarantees, making illegal designs against other authorities of the State, refusing his sanction to a law when he is obliged to give it or impeding its promulgation, provoking an unjust war, and exercising extraordinary powers without having them in accordance with the Constitution, or abusing them.

SECTION III

Concerning the Vice-President of the Republic

ART. 100. There will be a Vice-President of the Republic, elected by popular and secret vote every four years.

ART. 101. To be elected Vice-President of the Republic it is necessary to have the same qualifications as to be President.

ART. 102. The provisions contained in Articles 82 to 87 and in [Article] 90 of this Constitution are extended to the Vice-President of the Republic with regard to what may be applicable.

ART. 103. In all cases of the permanent or temporary absence of the President of the Republic, the Vice-President will exercise the functions of the former, in conformity with what is provided in Articles 88 and 90.

ART. 104. The Vice-President, while he does not exercise the presidency of the Republic, will be *ex officio* president of the Senate, but he has only a deciding vote.

ART. 105. In case of the permanent default of the Vice-President, because of having passed to the exercise of the presidency of the Republic in permanent fashion, or for any other reason, the officials specified in Article 89 will discharge the vice-presidency of the Republic, in the order and form there

established. This substitution will continue until [the meeting of] the next Congress, which, assembled in joint session and presided over by the president of the Chamber of Deputies, will elect a Vice-President for the time remaining to complete the constitutional term of the vice-presidency.

In case of temporary vacancy, the substitution will continue for the time of the vacancy.

ART. 106. The term of the Vice-President will be four years, and his election will be effected simultaneously with that of the President, by popular and secret vote.

SECTION IV

Concerning the Ministers of State

ART. 107. The President of the Republic will appoint Ministers of State for the activities that belong to the executive office.

The law will determine the number of Ministers, and the branches, powers, and duties of each one of them. No portfolio will remain, for any reason, without a titular Minister for more than thirty days.

ART. 108. To be Minister of State it is necessary:

To be an Ecuadorian by birth, to be in enjoyment of the rights of citizenship, and to be at least thirty years of age.

ART. 109. Decrees, resolutions, and decisions of the Executive must be authorized by the respective Minister of State; if they are not, they will lack value and will not be obeyed.

The appointment and removal of the Ministers of State themselves are excepted, the President of the Republic so decreeing by himself. Each Minister of State is personally responsible for the acts of the Executive that he may authorize with his signature.

ART. 110. Ministers of State are, moreover, responsible for the execution of the acts specified in Articles 98 and 99, and for subornation, extortion, malversation of public funds, undue compulsion, negligence, or delay in the execution of laws or executive decrees, and for any other serious offense duly substantiated.

ART. 111. A Minister of State who may have been censured by the Congress will relinquish being such, and may not return [to the office] during the two years following or in the same presidential term. There will be no votes of lack of confidence.

ART. 112. The Ministers of State will publish reports each year, up to June 30th at the latest, in which they will put at the information of the Nation the state of business belonging to the respective departments, and will accompany them with the bills or decrees they may consider necessary.

The Ministers of State must give to the legislative Chambers, with the knowledge of the President of the Republic, all information relative to the functions of their ministries.

They must, moreover, give to the legislative Chambers, with the knowledge of the President of the Republic, all data that may have been requested of them with regard to the matters dealt with in the reports. When the latter, in the judgment of the Executive, have a private character, they must be presented in secret session. Ministers of State must attend the Legislature when they are called.

TITLE VII

Concerning the Judicial Function

ART. 113. The judicial function is exercised by the Supreme Court, the superior courts, and other tribunals, courts, and officials that the Constitution and the laws may establish.

ART. 114. The president of the Supreme Court will transmit information, in a message that he will read personally to the Congress on the day on which the latter is installed, regarding the administration of justice in the whole Republic.

ART. 115. The Supreme Court has jurisdiction in all of the Republic and has its seat in the capital. Superior courts and other tribunals and courts are governed in that respect by what is determined by the organic law of the judicial function.

ART. 116. To be a Minister of the Supreme Court it is necessary:

To be an Ecuadorian by birth, to be in exercise of the rights of citizenship, to have practiced the profession of attorney or to have exercised a magistracy in the provincial courts or superior courts, in both cases with a good reputation and for a time not less than twelve years, counted as a whole, and to be at least forty years of age.

Ministers of the Supreme Court will continue six years in their offices and may be indefinitely reappointed.

ART. 117. Ministers of the superior courts will continue four years in their offices and may also be indefinitely reappointed.

The Supreme Court will, in the recess of the Congress, take cognizance of the pleas and resignations of its members and of those of the superior courts, and will provisionally fill vacancies.

ART. 118. The Supreme Court, by means of one or more of its Ministers, will attend the Congress when it may be called; and it will have the right of attending, in the same way, in order to take part, without vote, in the discussion of bills that may be presented to the Legislature.

ART. 119. The law will determine the number of Ministers who must compose the Supreme Court and the superior courts; it will determine the Province or Provinces that comprise the jurisdiction of each one of these superior tribunals, the powers of the same and those of all judges, the manner and form in which the appointment of the latter will be undertaken, and the duration of the offices.

ART. 120. To be a minister of the superior court it is necessary:

To be an Ecuadorian by birth, to be in exercise of the rights of citizenship, to have practiced the profession of attorney or of a judicial office, in both cases with a good reputation and for a time not less than eight years, counted as a whole, and to be at least thirty-five years of age.

ART. 121. There may be no more than two appeals in any trial. Publicity is essential in trials but the tribunals may discuss [them] in secret.

Sentences must be supported, the law and the facts on which they are based being expressed in them.

The greatest speed in the procedure of trials will be advised in procedural laws. Except for the cases indicated by law, the administration of justice is gratuitous when judges exercise it and remunerated when legal advisers may intermediate.

The organic law of the judicial function will determine the structure of the tribunals and courts.

ART. 122. Magistrates and judges do not have other powers than those that the laws may grant them, and, in conformity with the latter, are responsible in the exercise of their offices.

ART. 123. Magistrates and judges, while they continue in their functions, may not practice their profession except in the cases determined by the law; they may not discharge any other public office or employment or intervene in electoral contests or political parties.

TITLE VIII

Sectional Organization

ART. 124. The territory of the Republic is divided into Provinces, cantons, and parishes. There will be a governor in each Province, a political chief in each canton, and a political lieutenant in each parish. The law will determine the duties and powers of these officials. The eastern Provinces and the Archipelago of Colón may have a special organization.

ART. 125. There will be, in each capital of a Province, for the purpose of tending toward the progress of the same and linking it with the central organs, a provincial council, the members of which will be elected by popular and secret vote on a date that the law will determine.

They are autonomous and independent of other public offices. Their structure and functioning will be determined by law.

To be a provincial councilor it is necessary: to be an Ecuadorian by birth, to be in exercise of the rights of citizenship, and to be at least twenty-five years of age.

ART. 126. The State guarantees the relative autonomy of the Provinces, in accordance with the law. For the distribution of fiscal expenditures for the special public services and works of the Provinces, their necessities, productive

capacity, and the distribution of all and every one of them will be taken into account. The law will determine everything relating to the Provinces for the fulfillment of their economic and administrative purposes.

ART. 127. Each canton constitutes a municipality. The municipal government is in charge of a cantonal or municipal council, elected by popular and secret vote, in accordance with the law. In the councils of the capitals of Provinces, in order to direct municipal management, there will be a mayor elected by popular and secret vote, who will preside over the corporation, [but] only with a deciding vote.

ART. 128. Municipal governments are autonomous and independent of other public offices, in conformity with what is provided by the Constitution and the laws. The law will determine their powers and duties and may, within constitutional standards, establish distinct systems, paying attention to the population, economic resources, and importance of each canton. Members of the municipal governments will be responsible before the respective judges for abuses they may commit, collectively or individually.

ART. 129. No later law may deprive municipalities, in whole or in part, of the right they have to the revenue from the tax on urban property. The law will fix the specific taxes and revenues in such a way that their economic independence remains guaranteed.

ART. 130. Decisions and ordinances or resolutions of the provincial councils and those of the cantonal councils will have no value and will not be executed in so far as they may be opposed to the Constitution or the laws. Any claim will be recognized and decided by the Supreme Court.

TITLE IX

Concerning the National Budget

ART. 131. Fiscal revenues and expenditures will be recorded in the general budget law, which will be enacted annually in accordance with what is determined by this title.

Provincial, municipal, and special revenues and expenditures will be regulated by the pertinent laws.

ART. 132. All ordinary treasury revenues will be established in a single fund intended for ordinary expenditures.

No specified revenue may be allocated with a special assignment to an ordinary expenditure of the State.

It is prohibited to cover administrative expenditures of a permanent character with loans.

ART. 133. The budget may not be enacted if it does not contain an item intended for the payment of the public debt.

ART. 134. Preferential attention will be given in the budget to national defense and public education.

ART. 135. The elaboration of the draft of the general budget of the State is the duty of the technical committee of the budget, which will be constituted:

By the Minister who has in his charge the finances of the State, who will preside over it, with a deciding vote in case of a tie.

By the Minister who has in his charge the national economy, or his representative.

By a legislator, designated by the full Congress, jointly with two substitutes, from among the members of its budget committee, and

By a representative of the national council of economy, designated by the latter from among its members.

The director of the budget will act as secretary.

ART. 136. The technical committee of the budget, in elaborating the draft, will consider the suggestions of provincial authorities, corporations, and legislators with regard to the needs of their respective Provinces.

ART. 137. The Executive will present to the regular Congress, within three days after its installation, the draft of the budget and will accompany it with a message in which he explains the situation of the public treasury, of the internal and external credit of the State, and the general orientation of fiscal policy.

ART. 138. The Congress will transmit the draft to the study of its internal budget committee, which will be composed of one representative, whether he be a Senator or Deputy, from each one of the Provinces of the Republic, in conformity with what is provided by the by-laws of the full Congress. This committee, once it has studied the draft, will present the observations that it makes in the case to the technical committee of the budget, and, with its reply, will transmit its report to the full Congress, annotating the discrepancies that might have occurred between the two committees and which were not decided by mutual agreement. The Congress will then proceed to approve or reject the report, requiring, for a negative [action] as well as for any modification, two-thirds of the total of those voting. The Congress will immediately vote the budget in global items by chapters, the details of which are, by the same fact, approved.

The technical commission is charged with the execution of the decisions of the Congress with respect to the budget.

ART. 139. A draft of a budget the expenditures of which are not in balance with the revenues may not be presented to the Congress. If an increase of ordinary revenues demands the creation of new taxes, the respective bills, properly organized and supported, will be presented, jointly with the draft but in an independent manner, as well as the details of the corresponding expenditures.

ART. 140. The internal budget committee of the Congress may not propose or approve the addition of new items of expenditure or the increase of those recorded in the draft elaborated by the technical committee of the budget;

and if, in fact, the actual revenues in the course of the fiscal year are greater than those recorded in the draft, they will serve only for the general liquidation of the budget and to constitute a possible surplus.

ART. 141. The Congress will enact the budget up to October 9th of each year, after two discussions. In case of not having been enacted within this time, it will be considered in consecutive sessions, for the purpose of approving it before the closing of the regular legislative term, and, if it has not attained approval within this last period, the original draft will enter into force.

The budget will begin to govern from the first day of the fiscal year following its promulgation.

ART. 142. The Congress may not enact laws that repeal or modify those that establish revenues included in the budget in force or in that adopted for the following fiscal year, except on condition that, at the same time, it establishes new revenues or increases those existing in order to substitute them for those that it modifies or repeals; and in no case may it approve any law that unbalances the budget with new expenditures.

When the Congress discusses bills that may increase expenses or that may create or increase taxes, it will previously hear the Minister who has in his charge the finances of the country, who must necessarily give his opinion within the time that the Congress indicates to him. If, for any reason, the Minister does not make known his opinion, the Congress will proceed freely.

ART. 143. No expenditure or transfer may be effected except in accordance with an express provision of the law.

Items for education and those for national, provincial, or local public works may not be designated for other purposes, except in the case specified in Clause 5 of Article 94 and in case of public calamity.

ART. 144. When any deficit results, in the final liquidation of the budget, the President of the Republic will send to the Congress, with the appropriate documents, a message explaining said deficit.

TITLE X

Various Organizations

SECTION I

Concerning the Council of State

ART. 145. There will be a Council of State, with its seat in the capital of the Republic, and which will be composed of the following members:

The president of the Supreme Court, who will preside over it.

One Senator, elected by the Senate.

One Deputy, elected by the Chamber of Deputies.

Two citizens, elected by the Congress in joint session.

The Attorney General of the Nation.

The Comptroller General of the Nation.

One representative of the national council of economy, elected by it.

The president of the supreme electoral tribunal.

One general or higher officer, designated annually by the armed forces, and

The president of the national welfare institute.

The Chambers of the Senate and of Deputies and the Congress in joint session will elect, at the same time, two substitutes for each one of the principles.

Members elected by the Legislature continue one year in their offices.

All Ministers of the executive [branch] are also members of the Council of State, and will participate without vote in its deliberations.

In case of the occasional absence of the president of the Supreme Court, a member designated for it by the body will preside over sessions.

ART. 146. Powers and duties of the Council of State are:

1st. To watch over the observance of the Constitution and the laws, and, especially, to protect constitutional guarantees, calling upon the President of the Republic, the tribunals of justice, and other authorities to whom it is appropriate, for their respect and inviolability.

2nd. To formulate observations with respect to decrees, decisions, regulations, and resolutions that may have been issued or may be issued in manifest violation of the Constitution or the laws. This provision will not embrace judgments emitted by the organs of the judicial branch.

If the observations should not be accepted by the authority or organ affected by them, the Council of State will publish them in the press and will present them for the consideration of the Congress in order that it may decide regarding the alleged unconstitutionality or illegality.

Acceptance of the allegation of unconstitutionality or illegality by the stipulated authority or organ will be published in the *Registro oficial* for the appropriate purposes.

3rd. To decide, in the recess of the Legislature, on the legality of the defaults or pleas of Senators and Deputies; to call the respective substitute, if it may be the case, and to give an account of it to the corresponding Chamber at the beginning of the following legislative term; all this without prejudice to the right of the Chamber to review what it decides.

4th. To convene the Congress in extraordinary session in the case of Clause 4 of Article 87.

5th. To give its opinion on contracts that are not included in Clause 6 of Article 53, and in which, according to their importance, it may require bidding, and on matters on which the President wishes to or must be heard.

6th. To receive and act upon accusations that may be presented in the recess of the Congress against the President of the Republic and other high officials enumerated in Article 50.

7th. To grant or refuse extraordinary powers to the President of the Republic.

lic, in the recess of the Congress, in conformity with what is provided in Article 94.

8th. To take cognizance of and decide questions of administrative litigation.

9th. To fill vacancies, with a provisional character and in the recess of the Congress, in all offices the appointment to which belongs to the latter; according to Clause 4 of Article 55, except those of Ministers of the Supreme and superior Courts.

The power is also extended to the appointment of citizen councilors, in case of the absence of the principal and the substitutes. The person elected by the Council of State will continue in his office until the conclusion of the term for which the one whom he replaces was elected.

10th. To present, by means of its president, a report to the regular Congress relative to the work of the body, and the suggestions that it may have formulated for the enactment of laws it considers appropriate.

11th. To authorize the President of the Republic, in the recess of the Congress, to appoint ambassadors and ministers plenipotentiary.

12th. To authorize the Executive to promote to the ranks of lieutenant colonel and major.

13th. To authorize the President of the Republic, in the recess of the Congress, to alienate or hypothecate immovable national property.

14th. To permit or refuse the transit of foreign troops through the territory of the Republic, and the transit through or stationing in territorial waters of surface or submergible warships, for the greatest time that is permitted by international practices.

The same power applies to the transit, arrival, or stay of military airplanes.

The provisions of this clause are not applied in cases of forced arrival or landing.

15th. To exercise the other powers that the Constitution and the laws may confer.

SECTION II

Concerning the Public Ministry

ART. 147. The Attorney General of the Nation, the prosecutors of the tribunals of justice, and the other officials that the law may designate exercise the Public Ministry under the direction of the President of the Republic.

ART. 148. The Attorney General of the Nation will continue four years in his office and must possess the qualifications required to be a Minister of the Supreme Court. He will be designated by the Congress in joint session.

The law will determine the powers and duties, as well as the cases of removal and substitution, of the Attorney General and the other officials of the Public Ministry.

SECTION III

*The Office of the Comptroller General and the
Superintendency of Banks*

ART. 149. The office of the Comptroller General of the Nation will watch over the correct collection and expenditure of public funds and will judge the respective accounts.

The Comptroller General of the Nation will be elected every four years by the Congress in joint session.

The Comptroller General of the Nation, with respect to judging and passing on the accounts of those submitting them, will discharge a judicial function; and this function and others that may be incumbent upon him will be determined by the respective laws.

ART. 150. The office of the Comptroller General of the Nation is autonomous in its administrative functions. The designation of the personnel of this dependency belongs to the Comptroller, in conformity with the law.

The Comptroller will annually inform the Congress regarding his work.

ART. 151. A superintendency of banks, a technical and autonomous organ directed by a superintendent designated by the Congress in joint session, will operate to supervise the functioning of financial credit institutions. The superintendency of banks will also have control over insurance companies, capitalization companies, and those of mutual credit.

Other corporations may also be controlled, in conformity with the law.

The superintendent will continue four years in the discharge of his office, being capable of being re-elected, and will appoint the personnel subordinate to him, in conformity with the law. The officials and employees of this department are of a financial category.

The budget of the superintendency of banks is independent of the treasury. The superintendent will study and approve the budgets of the banks established by law and will inform the Congress regarding his work.

ART. 152. The law will determine the powers, duties, and functioning of the office of the Comptroller General of the Nation and of the superintendency of banks, as well as the cases of the removal and substitution of the Comptroller General and the superintendent.

TITLE XI

Concerning the Public Force

ART. 153. There will be an armed military force for the defense of the Republic and the maintenance of constitutional order, organized in accordance with the law.

There will be a civil police for the safeguarding of internal order and security and social services, which is governed by special laws.

ART. 154. All Ecuadorians and aliens domiciled in the country are obliged to co-operate in national defense, in the form and manner determined by law.

The law will, moreover, establish a system of obligatory military service.

ART. 155. The public force does not deliberate. Only the issuing authorities will be responsible for orders manifestly contrary to the Constitution and the laws.

ART. 156. Command and military jurisdiction are exercised over members of the armed forces in active service. The law will regulate the professional relations of retired soldiers with the respective ministry.

ART. 157. In case of war, the President of the Republic may delegate his authority as chief of the armed forces to a commander of mobilized forces. The latter will have command and jurisdiction over civil and military authorities in the declared zone of operations.

ART. 158. The frontier commands have civil powers, in conformity with the law.

SECOND PART

Standards of Action

TITLE I

Fundamental Precepts

ART. 159. All inhabitants of the national territory are obliged to respect and obey the Constitution, the laws, and the authorities of the Republic.

ART. 160. There is no authority whatever in Ecuador exempt from responsibility in the exercise of his functions.

ART. 161. No contract will have any value in which one person is placed at the disposition of another in an absolute and indefinite manner; nor may the laws establish conditions that diminish human dignity.

ART. 162. The State will aid maternity and protect the mother and child, without considering antecedents.

The State will create, for those less than fourteen years of age who may lack the means of family and economic protection, adequate conditions for their assistance and development.

ART. 163. The State protects and the laws will regulate matrimony, the family, and family property.

ART. 164. Not only legitimate children but also the illegitimate have a right to be reared and educated by their parents and to inherit from them in the terms that the law may establish.

In case of concurrence with legitimate children, each illegitimate child will have a hereditary portion that will be equal to half of that belonging to each legitimate child.

* ART. 165. The law will regulate whatever refers to filiation and its rights

and to the investigation of paternity. No declaration on the status of the filiation may be required on inscribing births.

ART. 166. The family patrimony, inalienable and unattachable, is established, the amount and other conditions of which will be regulated by law.

ART. 167. The right of bequeathing and of inheritance is guaranteed, with the limitations that the law may establish.

ART. 168. Liberty of conscience in all its aspects and manifestations is guaranteed, in so far as it is not opposed to morals and the public order. The law will not make any discrimination for religious, ideological, or racial reasons.

ART. 169. In order to obtain the aid of the law, all persons are equal before it. No rights may be granted to or obligations imposed on anyone that may make for him better or worse conditions than for others.

No one may be removed from his natural judges, nor punished without a previous trial in conformity with a law anterior to the act that forms the basis of the trial, nor judged by special commissions, nor deprived of the right of defense at any stage of the trial.

ART. 170. Work is obligatory, considering conditions of age, sex, health, etc., and within the liberty of choice, for all members of the Ecuadorian community.

ART. 171. The education of the children is the primary duty and right of parents or those who may represent them. The State will watch over the fulfillment of that duty and will facilitate the exercise of the right.

Education and instruction are free, within morality and the republican institutions.

Municipalities may subvene gratuitous private instruction. These subventions may not exceed twenty per cent of the revenues intended for education. The Executive, when he considers it appropriate to provide any assistance, will need the approval of the Council of State in order to give it.

Primary instruction and that in arts and trades, of an official character, is gratuitous; primary [instruction], whether official or private, is obligatory.

Scholastic social services will be provided without distinction in free official or private establishments to those students who may need them.

The moral and civic development of students will be especially emphasized in all grades of education.

Official instruction, as well as private, will pay especial attention to the native race.

All teaching elements in the country, official as well as private, will be represented in the national directive agencies of instruction.

Official education, whether it be national, provincial, or municipal, is laic, that is to say, the State as such will neither teach nor attack any religion.

The State will respect the right of fathers of families or those who may represent them to give their children the instruction they please.

ART. 172. Universities, official as well as private, are autonomous.

The law will propose, for the effecting of this autonomy in official universities, the creation of a university endowment.

ART. 173. The State will institute and maintain special establishments of free instruction in the arts, trades, commerce, agriculture, and other remunerative means of labor, which will, at the same time, give moral and civic education. The aptitudes of the students for lucrative work will be cultivated in schools and academies in special sections by objective instruction.

The State will provide gratuitously the equipment indispensable for learning in official establishments of primary instruction and those in arts and trades, to the students who may lack them.

ART. 174. The following are also duties of the State:

1st. To procure work for the unemployed.

2nd. To protect production.

3rd. To assist efficiently in the cultivation of Indians and peasants.

4th. To maintain public aid, and

5th. To perform, in accordance with social needs, by means of expropriation if it should be necessary, the distribution and development of uncultivated lands.

ART. 175. There is no real property in Ecuador that is inalienable or indivisible in perpetuity.

Neither are there obligations that must be complied with in perpetuity or obligations that are not susceptible of extinction by any legal means.

ART. 176. Debts of the State will be paid in conformity with the respective contracts and with the law of public credit, which will classify them according to their origin and other circumstances.

The State may encumber specified revenues as security for its obligations, but in no case may it cede to the creditor the right of collecting the encumbered revenue.

ART. 177. Every contract that an alien or an alien company may negotiate with the Government of Ecuador or with any Ecuadorian natural or juridical person must always carry, express or tacit, the condition of renunciation of all diplomatic claim.

ART. 178. Public officials or employees who may violate any of the guarantees declared in this Constitution will be responsible with their possessions for the damages and injuries they may cause; and, with respect to the offenses that the violation of such guarantees involves, the following provisions will be observed:

1st. They may be accused by any person.

and. The penalties that may be imposed on a delinquent official or employee may not be pardoned, reduced, or commuted during the constitutional term in which the violation was committed, nor later, unless at least half of the penalty has been completed, and

3rd. Actions on these offenses, the same as with the penalties imposed on those responsible for them, will not be invalidated or begin to be invalidated until after said constitutional term.

Civil responsibility is independent of penal [responsibility].

This article is to be understood without prejudice to what is provided with respect to high officials in Articles 46 and 50.

ART. 179. No one may simultaneously discharge two or more public offices with salary, under any title, with the exception of university professors and of those who may exercise strictly technical functions or those of obligatory performance, which may be discharged up to two offices with the corresponding salaries.

The discharge by the same person of an office in the central bank, banks of the system of development credit, and in the institute and departments of welfare is also incompatible with a remunerated public office, save for the exception contained in the preceding clause. However, the president of the national welfare institute, the managers or provincial delegates of the departments of welfare, and the managers of the previously mentioned banks may not discharge any remunerated public office.

Dismissal may not be alleged, in the cases of incompatibility to which this article refers, for the purpose of demanding indemnification.

No Ecuadorian may discharge permanent functions in the public service without an appropriate appointment or permanence from an election, nor may he contract his labor in order to occupy public office.

The discharge of the function of legislator is not a public office but a democratic mandate. Offices and functions compatible with this mandate will not lapse by such discharge.

TITLE II

Concerning Guarantees

SECTION I

General Guarantees

ART. 180. Aliens enjoy in Ecuador, under the terms that the law requires, the same rights as Ecuadorians, with the exception of political rights and the guarantees that the Constitution establishes in favor of Ecuadorians alone.

ART. 181. Freedom to practice professions is guaranteed, within the prescriptions of the law, which will determine the cases in which a degree is required and the form of obtaining it.

ART. 182. No taxes or other public revenues may be established except by virtue of a law and in proportion to the economic capacity of the taxpayer.

ART. 183. The right of owning property is guaranteed, reconciling it with its social function. Confiscation of property is prohibited, which, if it actually occurs, will not cause any change in the rights of the injured party or pre-

scription of any kind, and will give rise to summary action for damages and injuries against the authorities who ordered it and against the treasury.

No one may be deprived of property or of the possession of his goods except by virtue of a judicial order or a legally certified expropriation for reason of public utility.

Only the treasury, municipalities, and other institutions of public law may advance expropriations by reason of public utility.

Expropriation for the construction, widening, and improvement of highways, railways, airports, and towns will be governed by special laws.

Only authorities who exercise a judicial function of any kind that emanates from the law may issue decisions that hinder or obstruct the free trade, transfer, and transmission of property. No order to that effect that proceeds from any other authority will have effect or be obeyed.

ART. 184. The law will determine the frontier zone in which it will be prohibited to aliens to acquire or maintain actual rights over immovable property or to administer it, under penalty of losing such rights to the benefit of the State.

This prohibition will not hinder aliens who may be in the personnel of institutions with a national character, or who may be established in frontier regions for reasons of national interest in agreement or by contract with the Executive, provided that the director and the legal representative of those institutions are Ecuadorians.

ART. 185. The State will be vigilant to see that justice is observed in the relations between employers and workers, that the dignity of the worker is respected, that a decent existence is assured him, and that a just wage is granted him with which he may take care of his personal and family needs.

The law will regulate everything relative to work, in accordance with the following fundamental standards:

1st. The labor contract is obligatory for employers and workers, in the form that the law may establish.

2nd. The rights of the worker are not renounceable and any stipulation to the contrary will be null.

3rd. The State will establish a minimum wage in the different branches of labor and will tend toward the establishment of a family income.

4th. The remuneration for work will be unattachable except for the payment of sums for food, and may not be paid with vouchers, counters, or other media that are not money of legal tender, nor for periods that exceed one month. Nor may it be diminished or discounted, except in a form authorized by law.

5th. The maximum work day will be eight hours, with rest on Saturday afternoon, in a manner that will not exceed forty-four hours weekly, save for the exceptions that the law may establish. Night work will be remunerated at a higher rate, and women and those less than eighteen years of age may not

be employed in it. The maximum time of effective work underground will be six hours daily, and the total day's work in no case may exceed seven [hours].

6th. Every worker will enjoy a weekly rest of forty-two hours uninterrupted, as well as annual vacations. The latter, as well as the weekly rests and the holidays indicated by law, will be paid. The application of this will be supplemented by regulations.

7th. The right of organization is guaranteed to employers and workers for professional progress. No one will be obliged to join a union. Public employees, as such, may not form unions.

8th. Collective contracts are especially protected.

9th. The right of workers to the strike and that of employers to the lockout is recognized, and will be regulated in its exercise. Workers in public service enterprises and institutions may not declare a strike, except in accordance with a special regulation.

10th. The working mother will be the object of particular solicitude. A pregnant woman will not be obliged to work during the time that the law fixes before and after childbirth, during which she will have the right to full remuneration. A mother will, moreover, enjoy during work the time necessary for feeding her child.

11th. The labor of those less than fourteen years of age is prohibited, save for the exceptions that the law may establish, and that of those less than eighteen years of age will be regulated.

12th. The employer is obliged to establish apprenticeships in the form that the law determines, dealing with industry and work that may require technical knowledge.

13th. Tribunals of conciliation and arbitration will be constituted for the solution of labor conflicts, composed of workers and employers and presided over by a labor official.

14th. Hygiene and safety in labor will be regulated, in order to guarantee the health and life of workers.

15th. All workers will participate in the liquid profits of the respective enterprises, in a percentage that the law indicates, which will not be less than five per cent. The law will regulate the distribution.

16th. That which an employer owes a worker for wages, salaries, indemnifications, and retirement pensions constitutes a privileged credit of the first class, with preference even over mortgages.

17th. Agricultural labor, particularly that performed by Indians, will be especially regulated in all that relates to the working day. Other kinds of work will likewise be regulated, preferentially that of artisans, miners, domestics, and work performed at home.

18th. The deprivation, without just cause, of the huts of the natives will be considered as an unreasonable loss.

19th. Equal remuneration belongs to equal work, without distinction of sex, race, nationality, or religion; moreover, specialization and practice in the execution of work will be taken into account for the purposes of remuneration, and

20th. The administrative career of public employees will be regulated by law.

Public authorities are obliged to promote, in a preferential way, the moral, intellectual, economic, and social improvement of the Indian and mountain dweller to develop their incorporation into the national life and their access to property, to stimulate the construction of hygienic dwellings on estates, and to bring about the elimination of alcoholism, especially in rural quarters.

ART. 186. Trade is free, except for the restrictions prescribed by law.

SECTION II

Common Individual Guarantees

ART. 187. The State guarantees to the inhabitants of Ecuador:

1st. The inviolability of life; there will be no death penalty. Mutilation, flagellation, and other tortures and infamous procedures are positively prohibited, either as penalties or as correctional measures or, finally, as means of investigation of offenses.

2nd. The right of every individual to preserve his good reputation and to be presumed innocent until he may be declared guilty in conformity with the laws.

3rd. Personal liberty. There is no imprisonment for debts, whether they are called costs, fees, imposts, fines, or by any other name. This provision does not include debts for judgments for necessary food.

4th. The right of *habeas corpus*. Except in cases *in flagrante delicto*, contravention of police [regulations], or military infractions, no one may be detained, arrested, or imprisoned except by means of an order signed by a competent authority, with a statement of the reason, which may only be one of those specified by the law for the purpose.

The appeal of *habeas corpus* will be presented to the president of the council, or whomever substitutes for him, of the canton in which the detained person is situated. Receiving the appeal, the stipulated authority will arrange for the immediate presentation of the detained person and the exhibition of the order of deprivation of liberty, within the time that is indicated for the purpose.

If the detained person should not be presented or if the order should not be exhibited, or if the latter does not possess the requirements previously prescribed, the president of the council will arrange, without further proceedings, for the immediate liberty of the appellant. Anyone who should disobey this order will be removed *ipso facto* from his office or employment by the presi-

dent of the council himself, who will communicate this removal to the office of the Comptroller and to the authority who must provide a replacement.

The dismissed employee may present an appeal, from the judgment issued against him, to the president of the superior court of the corresponding district within twenty-four hours of being notified of the removal, but, in order to present this appeal he must previously place the detained person at liberty.

The latter, moreover, retains the exercise of all [legal] actions to which he may have a right.

5th. Freedom of transit through the territory of the Republic, of changing domicile, of being absent from Ecuador and returning to it, conveying or bringing his goods, without prejudice to what the law may provide in relation to the national artistic patrimony and to monetary defense.

6th. The inviolability of domicile; no one may enter it against the wish of its master, unless by presenting an order signed by a competent authority; and, without this order, only in cases expressly determined by law.

7th. The inviolability of postal correspondence or that of any other kind. It is consequently prohibited to intercept, open, or examine another's correspondence, except in the cases indicated by law.

8th. The right of not being obliged to declare, for any purpose, his political convictions or religious beliefs, or molested for those that he professes, except for cases anticipated in the Constitution and the laws.

9th. The right of not being obliged to give testimony, in a criminal trial, against his spouse, ancestors, descendants, or collateral relatives up to the fourth degree of consanguinity or the second of affinity; or compelled under oath or coercion to testify against himself in matters that may occasion penal responsibility; or held incommunicado for more than twenty-four hours.

10th. Freedom of work, trade, and industry. All enjoy the right of their discoveries, inventions, and other scientific, literary, and artistic works, in the terms prescribed by the laws.

Gratuitous or unremunerated services that are not imposed by law can be demanded from no one, except in cases of extraordinary urgency or of necessity of immediate assistance. Aside from these cases, no one is obliged to work except by means of a contract and for the corresponding remuneration.

11th. Freedom of expressing thought by word, the press, or other means of manifesting and diffusing it, in so far as these manifestations may not imply injury, calumny, personal insult, a sense of immorality, or be contrary to the national interests, acts which are subject to the responsibilities and the procedures that the law may establish.

The law will regulate the exercise of this liberty, taking into account that journalism has for its primary object the defense of national interests and constitutes a social service, deserving of the respect and support of the State.

12th. Freedom of petition in writing, individual or collective, before any authority or body, with the right to obtain the corresponding decision, and

13th. Freedom of assembly and association, without arms, for purposes not prohibited by law.

SECTION III

Especial Guarantees for Ecuadorians

ART. 188. The following especial guarantees are established with respect to Ecuadorians:

1st. The right of voting freely and of being elected to public office, in conformity with the law.

2nd. The right of petition, vocally and collectively, to the officials, and that of marching and other public manifestations, peacefully and without arms, with the previous permission of the appropriate authority.

3rd. The right that the State will provide means of subsistence to invalids, provided that they may lack them, while they are incapacitated from obtaining them by their labor and no person is by law obliged and in a position to provide for them.

4th. The right of acting in parties and other political associations, which may not be contrary to the Constitution, with the purpose of participating in national politics, and

5th. The penalty of banishment remains prohibited, and in no case may an Ecuadorian be expatriated against his will.

An Ecuadorian does not need a passport to return to his Fatherland, and no consul of the Republic may refuse it to an Ecuadorian who requests it in order to return to Ecuador.

Extradition of an Ecuadorian will in no case be granted.

THIRD PART

Concerning the Supremacy of the Constitution and Its Amendment, and Complementary Provisions

ART. 189. The Constitution is the supreme juridical standard of the Republic. Therefore, any laws, decrees, regulations, ordinances, provisions, pacts, or public treaties that in any way are in contradiction to it or depart from its text are without value.

Only the Congress has the power to interpret the Constitution in a generally obligatory manner, and to decide the questions that may arise over the meaning of any of its terms.

Likewise, only the Congress has the function of declaring whether a law or a legislative decree is or is not unconstitutional.

ART. 190. The regular Congress may discuss any bill of constitutional amendment, observing the procedure established for the enactment of laws.

A bill being approved by both Chambers, it will be sent to the President of the Republic in order that he may publish it with his report.

The next regular Congress after the Chamber of Deputies has been renewed

will approve the bill of constitutional amendment without any modification, or will reject it, in a single debate and by an absolute majority of the whole of its members.

The President of the Republic may not object to the reformatory law and is obliged to promulgate it.

ART. 191. The stability and autonomy of the department of welfare, the central bank, and the banks of the system of development credit, institutions that are of private law with social or public purposes, is guaranteed. That which is provided in Letter i [i.e., 9th clause] of Article 185 for employees of public service enterprises and institutions will prevail for the employees of these institutions, with regard to strikes.

ART. 192. No other institutions of public law are recognized than the treasury, the provincial councils, municipalities, and establishments supported by the State.

ART. 193. Compulsory jurisdiction is established only in favor of the treasury and the other institutions of public law, and the central bank of Ecuador and the banks of the system of development credit, for the collection of their credits; as well as in favor of the departments of welfare for the receipt of contributions and reserve funds.

ART. 194. Monopolies are prohibited, except those of the State, and these may not be granted to any person or enterprise, national or foreign.

ART. 195. This Constitution repeals all previous juridical precepts that may be contrary to its provisions, issued either by legitimate authorities or by *de facto* governments; so that any laws, decrees, regulations, agreements, orders, or resolutions enacted before the entrance into force of the Constitution continue only with respect to their conformity with it and provided that they are not repealed or revoked, except for rights validly acquired in accordance with such precepts.

TRANSITORY PROVISIONS

First

This Constitution being promulgated, the National Constituent Assembly will continue in office as such until the day of its adjournment, and consequently may enact the laws, decrees, and resolutions that it may consider necessary, and exercise all other powers that belong to it.

Second

The next regular Congress will meet August 10th, 1948.

Third

Deputies of the present Assembly will retain their character as such until the supreme electoral tribunal grants the credentials of legislators to the citizens who may be elected for the regular Congress of 1948. In case it is neces-

sary to have a meeting of an extraordinary Congress before the date of granting these credentials, the present Deputies will constitute a unicameral Congress, presided over by the Vice-President of the Republic, provided that they have not incurred the disqualifications prescribed by this Constitution.

An absolute majority of the Deputies of the present Assembly, as well as the President of the Republic may certify a call for this Congress. Laws will be enacted in it by means of debates held on different days.

Fourth

The President of the Republic designated by this Assembly will exercise his mandate in accordance with this Constitution, and will conclude his constitutional term September 1st, 1948, the day on which a new official will take possession [of the office].

Fifth

The National Constituent Assembly will elect, for this time, by means of a secret vote and an absolute majority of votes, a Vice-President of the Republic, who will take possession of the office before the Assembly and will end his term September 1st, 1948, the day on which a new Vice-President, elected in the form that this Constitution establishes, will take possession [of his office]. In case of the default of the Vice-President whom the Assembly elects, the president and vice-presidents of the latter, in their hierarchical order, will substitute for him, and will retain the option of substitution until the first Congress elects its officials.

Sixth

Until a census of the population of the Republic is taken, the Provinces will elect their Deputies in the following numbers:

Pichincha, Guayas, Azuay, Manabí, Chimborazo, and Loja: five for each one; Tungurahua and Cotopaxi: four for each one.

Carchi, Imbabura, Bolívar, Cañar, Esmeraldas, Los Ríos, and El Oro: three for each one; Napo-Pastaza and Santiago Zamora: two for each one, and

One for the Archipelago of Colón.

Seventh

Until a law may provide to the contrary, the requirements established in Article 39 will not include Senators or Deputies from the eastern Provinces, who must have resided at least six months at any time and in any place in said Provinces. This requirement will not be necessary for the election of representatives of the Archipelago of Colón or the Galápagos.

Eighth

The National Constituent Assembly will proceed, for this time, to appoint, by secret vote and by an absolute majority of votes, the officials who, in con-

formity with this Constitution, must be designated by the Congress, who will exercise their offices until the regular Congress of 1948 certifies a new election. Likewise, the Assembly will, by the vote indicated, designate the Ministers of the Supreme Court and of the superior courts, who will discharge their offices during the term fixed in this Constitution, or until the regular Congresses of 1952 and 1950, respectively, proceed to the appropriate election. The new superior courts, in their turn, will, within thirty days of being organized, appoint all judges, officials, employees, and assistants of justice in the respective districts.

Ninth

The National Constituent Assembly will enact the budget for the fiscal year of 1947, voting it by global items of chapters, in two discussions, on the basis of the draft sent by the Executive and of the report of the internal budget committee and after the latter has become acquainted with the details of items of expenditures.

Tenth

The budget for the fiscal year of 1948 will be enacted by the technical committee of the budget and approved by the Congress of the State.

Final Article

This Constitution will enter into force from the date of its publication in the *Registro oficial*.

Given in the National Palace, in Quito, capital of the Republic of Ecuador, on December 31st, 1946.

El Salvador



[For comment about the Central American confederation, 1824-39, see the historical note on Guatemala. For comment about the federal union of 1898, see the historical note on Nicaragua.]

OPPPOSITION in El Salvador to forcible union with Mexico under Iturbide was more pronounced than in any other part of Central America, even leading the province in December, 1822, to decree its own annexation to the United States. This move was not consummated. El Salvador adopted its own constitution on June 12, 1824, and under its provisions became affiliated with the Central American confederation on November 22, 1824.

After the disintegration of the confederation, El Salvador adopted its second constitution on February 22, 1841. This provided for a relatively orthodox type of unitary government. Despite *de facto* independence from the time of the collapse of the confederation, El Salvador remained strongly committed to the idea of union and hence did not formally assume the title of an independent state until 1856. This action was followed a few years later by the adoption of a new constitution on March 19, 1864. This law prevailed for several years, being supplanted by a new instrument on October 16, 1871; no important structural changes were made in the traditional form of government. This law did not remain long in effect. A technically new constitution, adopted on November 9, 1872, made various modifications, including the lengthening of the presidential term from two to four years.

Another technically new basic charter followed on February 16, 1880, which made some detailed changes in the organization of the government, but this law in turn gave way to another constitution, El Salvador's seventh, on December 4, 1883; many provisions in this constitution resembled the corresponding points in the law of 1880. The charter of 1883, too, was short-lived. It gave way (omitting a stillborn or unpromulgated constitution, dated November 23, 1885) to a new basic law on August 13, 1886. This constitution was destined to endure for more than half a century (and was later to be restored)—El Salvador's longest continued basic law to date. It was supplanted by a new law, adopted under the auspices of General Martínez, on January 20, 1939. Political disturbances in 1944 led to the abrogation of the 1939 constitution and to the temporary restoration of a modified form of the 1886 document. A constituent assembly subsequently met to draft a new constitution,

but sentiment grew in favor of the permanent restoration of the 1886 law. The assembly took that action, after drafting numerous amendments, on November 29, 1945; the amended form of the 1886 constitution became legally effective the following day.

POLITICAL CONSTITUTION OF EL SALVADOR

TITLE I

Concerning the Nation and the Form of Government

ARTICLE 1. The Salvadorian Nation is sovereign and independent and shall never be the patrimony of any family or person.

Sovereignty is inalienable, imprescriptible, and limited to what is honest, just, and useful to society; it resides essentially in the whole body of Salvadorians and no fraction of the communities or of the individuals can attribute it to themselves.

ART. 2. All public power emanates from the people. The officials of the State are their delegates and have no more powers than those that the law expressly gives them. They legislate, administer, and judge according to law; by it, obedience and respect is due them; and they must give account of their functions in conformity with it.

ART. 3. The territory of El Salvador is irreducible and is included between the Pacific Ocean and the Republics of Guatemala, Honduras, and Nicaragua. The boundaries with the Republic of Guatemala are determined by the treaty negotiated between Guatemala and El Salvador April 9th, 1938. The boundaries with Honduras shall be determined by law in conformity with tradition and history. The adjacency to Nicaragua is in maritime waters.

The Republic of El Salvador recognizes the Gulf of Fonseca as a historic bay or closed sea, the waters of which belong in condominium to the Republics of El Salvador, Honduras, and Nicaragua.

ART. 4. The Government of the Salvadorian Nation is republican, democratic, representative, and alternative. It is composed of three organs, distinct and independent among themselves, that are called the legislative, the executive, and the judicial.

TITLE II

Rights and Guarantees

ART. 5. No hereditary offices or privileges are recognized in the Republic.

All property is transferable in the manner that the laws determine, and, in consequence, all kinds of entails are prohibited, except the following:

1st. Trusts, when they may be established in favor of the Nation, of charitable or cultural institutions of the country that exist or that may be created, of incompetent natural persons in conformity with the law for the management of their interests, or of persons who may not have been born but are already in the maternal womb.

2nd. Family property.

ART. 6. No taxes shall be levied except by virtue of a law, and for the public service.

ART. 7. Everyone who exercises any public office is directly and immediately responsible for the acts that he commits in the exercise of his functions. The law shall determine the manner of making this responsibility effective.

ART. 8. El Salvador recognizes rights and duties prior and superior to the positive law, having as principles liberty, equality, and fraternity, and based on the family, labor, property, and public order.

ART. 9. All inhabitants of El Salvador have an indisputable right to preserve their lives, liberty, and property, and to dispose freely of their goods in conformity with the law.

ART. 10. Every man in the Republic is free. No one who enters its territory shall be a slave, nor can anyone who deals in slaves be a citizen.

ART. 11. The Republic is a sacred asylum for the alien who may reside in its territory, except for those guilty of common offenses who are claimed by another Nation by virtue of existing treaties in which extradition is provided.

Extradition shall never be stipulated, in any case, with respect to nationals, nor, with respect to aliens, for political crimes, even though in consequence a common crime may result from them.

ART. 12. The free exercise of all religions, without further restriction than that required by morality and public order, is guaranteed. No religious act shall serve to establish the civil status of persons.

Churches and their dependencies shall be exempt from every kind of tax on real property.

The State recognizes the juridical personality of the Catholic Church, representative of the religion that the majority of Salvadorians profess. Other churches may obtain recognition of their juridical personality in conformity with the law.

ART. 13. Every person has the right to remain in the place that he may prefer; and that of traveling, emigrating, and returning without a passport, except in case of an executed sentence and without prejudice to what is provided in Article 28 of this Constitution.

ART. 14. Similarly, the inhabitants of El Salvador may associate and assemble peacefully, and without arms, for any lawful purpose.

ART. 15. No one shall be obliged to give work or personal services without just compensation and without his full consent, except for reasons of public necessity or utility established by law. The law cannot authorize any act or contract that may have for its object the loss or irrevocable sacrifice of the liberty of man, whether by reason of work, education, or religious vows. Nor can it authorize agreements in which a man contracts his proscription or exile.

ART. 16. Every person has the right to address his petitions to the legally established authorities, provided that they are made in a decorous manner;

and to have them acted upon and to be informed of the decision reached regarding them.

ART. 17. No person who may have the free administration of his property may be deprived of the right to terminate his civil affairs by compromise or arbitration. In regard to those who may not have that free administration, the law shall determine the cases and requirements in which it may be handled thus.

ART. 18. Confiscation, whether as a penalty, or in any other way, is prohibited. The authorities who violate this provision shall answer at all times with their persons and property for the damage caused; the things confiscated are imprescriptible.

ART. 19. The penalty of death may not be imposed, except for very grave crimes, purely military, and committed in campaign and determined by the military code; and for the crimes of parricide, murder, or robbery or arson if death follows.

Perpetual penalties, flogging, and all kinds of torture are prohibited.

ART. 20. No person may be deprived of his life, of his liberty, or of his property without previously being heard and convicted in a trial in accordance with the laws; nor may anyone be prosecuted twice, civilly or criminally, for the same cause.

ART. 21. Inspection or search of a person may be undertaken only to prevent or investigate crimes or offenses.

The domicile is inviolable, and its invasion may not be decreed except for the investigation of crimes or the pursuit of offenders, in the form and in the cases determined by law.

ART. 22. No individual shall be tried in another jurisdiction than that where the crime was committed, except in the cases determined by law, or in those in which the law itself authorizes the court of justice to designate another jurisdiction.

ART. 23. All men are equal before the law.

ART. 24. The laws cannot have retroactive effect, except in penal matters when the new law may be more favorable to the offender.

ART. 25. No one may be tried except by laws enacted prior to the offense and by a tribunal that the law had previously established.

ART. 26. The same judge may not take cognizance of the same case on appeal.

ART. 27. No power or authority may remove pending cases to another court or open terminated cases.

ART. 28. Neither the Executive nor the Judiciary, nor any other authority, may issue orders of detention or imprisonment if they are not in conformity with the law. These orders must always be written, except in criminal matters, when the offender may be taken *in flagrante delicto*, in which case he may be detained by any person, to be delivered immediately to the respective

authorities. Detention for inquiry shall not exceed forty-eight hours, and the investigating judge is obliged, within the said period, to order the liberty or the provisional arrest of the suspected person.

ART. 29. Every man may freely express, write, print, and publish his thoughts, without previous examination, censorship, or bond; but he must answer before a jury for any offense he may commit.

ART. 30. Correspondence by letter and telegraph is inviolable. Intercepted correspondence cannot be given faith and cannot figure in any kind of action.

ART. 31. Property is inviolable. No person may be deprived of his property except by reason of public utility, legally proved and after just indemnification. In cases of war, public calamity, the opening of new highways or the modification of existing ones, and the supply of water, the indemnification need not be previous.

When the necessities of an international war may require it, the State may intervene in the administration of property belonging to nationals of enemy countries; it may dispose of it and apply its income as indemnity of war, according to circumstances and a previous decree in which reasons are expressed.

The law shall regulate the form of making these provisions effective.

ART. 32. No permanent civil or ecclesiastical corporation, whatever its character, denomination, or object may be, shall have the legal capacity to own real property in fee simple or to administer it for itself, with the single exception of that intended immediately and directly for the service or the purpose of the institution.

ART. 33. Instruction is free; primary instruction, moreover, is obligatory. Instruction that is given in establishments supported by the State shall be gratuitous and shall be subject to proper regulations.

ART. 34. All industry is free, and may be monopolized only for the benefit of the Nation, with the *aguardiente*, saltpeter, and gunpowder business to be administered by the Executive.

There shall be no other monopoly of any kind, or any prohibitions on industrial liberty, even for protection. There are excepted only those relative to the coining of money and to the privileges that, for a limited time, are granted by law to inventors or to those improving any industry.

ART. 35. The right of association is guaranteed, and the establishment only of conventual congregations and all kinds of monastic institutions is prohibited.

ART. 36. The right of insurrection shall in no case produce the abrogation of the laws, its effects being limited to the removal, as may be necessary, of persons discharging governmental office and the provisional appointment of those who shall substitute for them until the vacancies are filled in the manner established by the Constitution.

ART. 37. Every person has the right to ask and obtain protection from the

Supreme Court of Justice or the chamber of second instance, when any authority or individual may restrict his personal liberty or the exercise of the other individual rights that the present Constitution guarantees. A special law shall regulate the manner of making this right effective.

ART. 38. None of the constituted authorities may negotiate or approve treaties or conventions in which the established form of Government is altered in any manner or by which the integrity of the territory or the national sovereignty is impaired; this is to be understood without prejudice to what is provided in Article 174 of this Constitution.

ART. 39. Neither the Legislature nor the Executive, nor any tribunal, authority, or person, may restrict, alter, or violate the constitutional guarantees, without being subject to the responsibilities established by law. A law on the state of siege shall determine those that may be suspended and the cases in which the suspension may take place.

ART. 40. The rights and guarantees that this Constitution enumerates shall not be understood as a denial of other rights and guarantees not enumerated, but that are born of the principle of the sovereignty of the people and of the republican form of government.

TITLE III

Concerning Salvadorians

ART. 41. Salvadorians are such by birth or by naturalization.

ART. 42. Salvadorians by birth are:

1st. Those born in the territory of El Salvador, except the children of aliens not naturalized.

2nd. The legitimate children of an alien man and a Salvadorian woman, born in the territory of El Salvador, if, within the year following the date on which they reach majority age, they do not declare before the respective governor that they choose the nationality of the father; the legitimate children of a Salvadorian man and an alien woman; and the illegitimate children of a Salvadorian woman and an alien man, born in El Salvador.

3rd. The legitimate children of a Salvadorian man and the illegitimate children of a Salvadorian woman, born in a foreign country and not naturalized in it.

4th. The descendants of children of aliens, or of an alien man and a Salvadorian woman, born in one or the other case in El Salvador.

ART. 43. Salvadorians by naturalization are those who, in conformity with previous laws, may have acquired this status and those who in the future may obtain it, in accordance with the following rules:

1st. Spanish-Americans who have obtained a letter of naturalization from the respective departmental governor, which shall be granted only upon proof of good conduct by the applicant.

2nd. Aliens who have solicited and obtained naturalization from the same authority, proving their good conduct and two years of residence in El Salvador.

3rd. Those who have obtained a letter of naturalization from the legislative body.

4th. Those who may have acquired naturalization in conformity with Article 48 of this Constitution.

ART. 44. Central Americans who may declare before the respective governor a desire to be Salvadorians shall be considered as naturalized Salvadorians.

TITLE IV

Concerning Aliens

ART. 45. Aliens shall be strictly obliged, from the moment when they arrive in the territory of the Republic, to respect the authorities and observe the laws, and they acquire the right to be protected by them.

ART. 46. Neither Salvadorians nor aliens may in any case claim from the Government any indemnification for damages and injuries caused to their persons or their property by factions, maintaining their right to sue the guilty officials or individuals for damages.

ART. 47. Aliens may acquire all kinds of property, but the latter shall not be exempt from the ordinary or extraordinary charges that the laws establish for the property of Salvadorians.

ART. 48. An alien, by the fact of accepting a public office with salary, except in a professorate or in the militia, renounces his nationality, becoming naturalized in El Salvador.

ART. 49. No international pact may modify in any manner the provisions contained in this title.

ART. 50. Aliens shall be subject to a special law on alienage.

TITLE V

Concerning Citizenship

ART. 51. All Salvadorians more than eighteen years of age, and those who are married or who have obtained some literary degree, even though they have not reached that age, are citizens.

ART. 52. The exercise of citizenship is suspended:

1st. By an order of arrest in a criminal case that does not admit bail.

2nd. By notoriously bad conduct.

3rd. By mental derangement.

4th. By judicial decree.

5th. By refusing, without just cause, to discharge an office of popular elec-

tion. The suspension in this case shall continue for the whole time in which said office should have been discharged.

6th. By a judicial sentence that so declares.

ART. 53. The rights of a citizen are lost:

1st. By those condemned to penalties carrying with them the loss of citizenship.

2nd. By those convicted of a serious offense.

3rd. By those naturalized in a foreign country.

4th. By those who, while residing in the Republic, may accept offices from another Nation without permission from the Legislature.

5th. By those who may sell their votes in elections.

6th. By those who may subscribe to acts or proclamations or who may employ other direct means to promote or assist the re-election of the President of the Republic.

7th. By officials who, while exercising public authority of a civil or military nature, may restrict the liberty of suffrage.

TITLE VI

Concerning the Legislative Power

ART. 54. The legislative power shall be exercised by a National Assembly of Deputies.

ART. 55. The National Assembly shall meet in the capital of the Republic. It shall hold two periods of regular sessions each year: February 1st to June 30th, and August 1st to December 31st, without the necessity of convocation.

It may also meet in extraordinary session in the months of July and January, when the Executive in Council of Ministers convenes it, in order to deal with matters that the said Executive submits to its consideration.

It may be removed to another place in the Republic to hold sessions when it is so agreed.

ART. 56. The number of its regular sessions shall not exceed forty and the number of its extraordinary sessions shall be such as is necessary for deciding the matters within its competence that the Executive submits to it.

ART. 57. Three Representatives assembled in a preparatory committee shall have power to take immediately all steps necessary to obtain the full attendance of the others.

ART. 58. A majority of the members of the Assembly shall be sufficient to deliberate, but when fewer than two-thirds of those elected are present the consent of two-thirds of those present shall be necessary for all decisions.

ART. 59. The members of the Assembly shall be renewed each year, and are capable of being re-elected.

ART. 60. To be elected Deputy it is necessary to be more than twenty-five

years of age, a Salvadorian citizen, of recognized honesty and education, without having lost citizenship in the five years previous to the election, and to be a native or resident of the Department that elects him.

ART. 61. No contractors of public works or services of any kind that may be supported with funds of the State, and no one who, as the result of such contracts, may have pending claims of personal interest, may be elected a Deputy. Nor may salaried employees appointed by the Executive be elected until six months after having ceased their functions.

ART. 62. Substitute Deputies shall have the same qualifications as the titular Deputies.

ART. 63. Deputies may not obtain other office during the time for which they have been elected, except those of Secretary of State, diplomatic representative, and offices without salary.

ART. 64. Representatives of the Nation are inviolable. Consequently, no Deputy shall be responsible at any time for his opinions, whether they may be expressed verbally or in writing.

ART. 65. No civil action whatever may be begun or prosecuted against Representatives from the day of the election until fifteen days after the Legislature has recessed.

Grave offenses committed between the day of the election and the recess shall be judged only by the Assembly for the purpose of removing the guilty person and surrendering him to the ordinary tribunals.

He shall be tried, for less serious offenses and misdemeanors committed during the same period, by a competent judge; but he may be detained or imprisoned or called to testify only after the recess.

If a serious offense may have been committed prior to the election, the Assembly, once the facts are ascertained, may declare the election null and may surrender the guilty person to the competent tribunals.

If, during the sessions, any Representative is surprised *in flagrante delicto*, he may be detained by any person or authority and the latter shall place him, within twenty-four hours, at the disposal of the Assembly.

ART. 66. The provisions of the two preceding articles are applicable to constituent congresses.

ART. 67. The National Assembly has power:

1st. To judge the election of its members, accepting or rejecting their credentials.

2nd. To accept their resignations for reasons lawfully proved.

3rd. To demand responsibility from them in the cases provided by this Constitution.

4th. To call the substitutes to attend for the Deputies in case of death, resignation, or incapacity.

5th. To enact its by-laws.

ART. 68. Powers of the Legislature are:

1st. To open and close its sessions and to agree to the terms in which the message of the President of the Republic should be answered.

2nd. To open the sealed envelopes that contain the votes for President and Vice-President of the Republic and to make a certification of the votes by means of a committee of its members.

3rd. To declare the election of the indicated officials, after the report of the certifying committee, which must also state whether or not those elected possess the qualifications required by law.

4th. To give the President and Vice-President of the Republic possession of their offices, receiving from them the constitutional oath; to take cognizance of their resignations and of the leaves that they may request.

5th. To elect by public vote the president of the Supreme Court of Justice and the magistrates of the chambers of third and second instance, and the president and magistrates of the court of accounts of the Republic; to receive from them the constitutional oath and to take cognizance of their resignations.

6th. To receive the detailed and documented accounts that the Executive must render by means of his Ministers, for the purposes of Clause 25 of this article.

7th. To designate three persons who shall exercise the executive power in the cases determined by this Constitution, said persons to have the same qualifications as are required to be President of the Republic. This designation may devolve upon members of the Congress.

8th. To resolve doubts that may occur or accusations that may be made about the incapacity of the President or Vice-President of the Republic or any officials elected by the Assembly itself.

9th. To enact, interpret, amend, and repeal secondary laws.

10th. To create judicial jurisdictions and to establish officials in them who, in the name of the Republic, shall take cognizance of all classes of civil or criminal cases or matters and try them and settle them.

11th. To indicate the powers and jurisdiction of different officials.

12th. To establish taxes and imposts, in due proportion if they are direct, on all classes of property and revenues; and, in case of invasion or legally declared war, to decree forced loans in the same proportion, in case the ordinary public revenues are not sufficient or if voluntary loans cannot be obtained.

13th. To empower the Executive to contract voluntary loans, either within or outside of the Republic, when a serious and urgent necessity may demand it.

14th. To decree annually the budget of expenses of public administration, arranging the expenditure of revenues in such a manner that preference shall be given to public instruction, the administration of justice, and the police.

15th. To confer the ranks of lieutenant colonel and those higher, with regard to the respective military record.

- 16th. To determine the coat-of-arms and the flag of the Republic.
 - 17th. To fix the fineness, weight, and type of money, and to regulate weights and measures.
 - 18th. To grant to persons or towns titles, honorary distinctions, and rewards compatible with the established system of government, for appropriate services rendered the Fatherland.
 - 19th. To fix, increase, or diminish the salaries of employees or officials, and to create and abolish offices. But decrees regarding an increase of the salaries of officials of the supreme legislative and executive organs may not take effect until the following term.
 - 20th. To order rewards or grant temporary privileges to the authors of useful inventions and to those who introduce or improve industries of general utility.
 - 21st. To declare war, upon information communicated to it by the Executive.
 - 22nd. To grant amnesties and pardons, but in the latter case only on the report and favorable opinion of the Supreme Court of Justice.
 - 23rd. To decree a state of siege in the cases and for the causes that a constitutional law shall determine, which state of siege must be raised in conformity with the same law.
 - 24th. To rehabilitate those who may have lost the rights of citizenship.
 - 25th. To approve or disapprove the acts of the Executive.
 - 26th. To enact laws regarding the recognition of the national debt and to create and designate the funds necessary for its payment.
 - 27th. To grant or refuse permission to Salvadorians who may request it to accept offices from another Nation, if compatible with the system of government of El Salvador.
 - 28th. To grant or refuse a letter of naturalization to aliens who may request it.
 - 29th. To ratify, modify, or disapprove treaties or pacts negotiated by the Executive with other Nations; but in no case may treaties or conventions that in any way restrict or affect the exercise of the right of insurrection or that may violate any other constitutional provision be ratified.
 - 30th. To permit or refuse the transit of troops of other countries through the territory of the Republic.
 - 31st. To take cognizance of the trials of responsibility of higher officials, in the manner provided in Title XV of this Constitution.
- Arr. 69. When the National Assembly is convened in extraordinary session it may deal only with matters within its competence that the Executive may submit to it.
- Arr. 70. The powers of the National Assembly cannot be delegated, with the exception of that of giving possession of their offices to the President and Vice-President of the Republic and to the officials of their choice. Decrees or

resolutions that may be enacted in contravention of this article shall be null.

ART. 71. Only the Deputies, the President of the Republic by means of his Ministers, and the Supreme Court of Justice have the initiative of legislation.

ART. 72. Every bill, after being discussed and approved, shall pass to the Executive who, if he has no objections to make, shall give it his sanction and cause it to be published as law. The Executive may not make objections or refuse his sanction to the resolutions of the National Assembly in the exercise of the powers conferred by Article 67 and by Clauses 3, 5, 7, 8, 25, and 31 of Article 68 of this Constitution.

ART. 73. When the Executive finds it inadvisable to sanction bills passing to him, he shall return them to the Assembly within eight days, giving a detailed account of the reasons on which his veto was based; but if he does not return them within the period indicated they shall be considered as sanctioned and he shall publish them as laws.

In the case of a return the Assembly shall reconsider a bill, and if ratified by two-thirds of the votes it shall be sent to the Executive, who shall consider it as law and sanction and publish it.

When the Assembly passes a law in the last days of its session, and the Executive does not have the legal period for returning it with his objections, he shall be obliged to give immediate notice to the Assembly in order that it may remain assembled until the expiration of the indicated period; if he does not do this the bill shall be considered as sanctioned.

ART. 74. When a bill is rejected or not ratified it may be introduced only in the following legislative term and not in the same session.

ART. 75. Every bill approved shall be engrossed in triplicate and the three copies signed by the president of the Assembly and the secretaries, one copy being retained for the archives and the others sent to the Executive.

ART. 76. The Executive upon receiving a bill, if he finds no objection to it, shall sign the two copies and return one to the Assembly, retaining the other in his archives, and shall publish it as law within the period of eight days.

ART. 77. The same procedure shall be observed to interpret, modify, or repeal laws as in their enactment.

ART. 78. No law is obligatory except by virtue of its solemn promulgation.

In order that a law of permanent character may be obligatory there must elapse at least twelve days after its promulgation. Appointments or certifications of elections made by the Assembly are not included within this provision.

ART. 79. Provided that a bill that is not introduced on the initiative of the Supreme Court of Justice has as its object the amendment or repeal of any of the provisions contained in the codes of the Republic, it may not be discussed without hearing the opinion of that supreme organ, which shall be given during the same session or that of the following year, according to the

importance, urgency, or length of the bill. This provision does not include laws of a political, economic, or administrative character.

TITLE VII

Concerning the Executive Power

ART. 80. The executive power shall be exercised by a citizen who shall have the title of President of the Republic, with the respective Ministers. He shall be elected by the Salvadorian people; but when no election results by an absolute majority of votes, the Assembly shall choose, by public ballot, from among the three citizens who have obtained the greatest number of votes.

ART. 81. There shall be a Vice-President, elected in the same manner and form as the President, who shall fill the absences of the latter in case of death, resignation, removal, or any other disqualification. In default of a Vice-President, the executive power shall be exercised by one of the three Designates, in the order of their appointment. If the Legislature is assembled and the appointment of the Designates has lapsed, the former shall fill the vacancy.

ART. 82. The duration of the presidential term shall be four years. A citizen who has exercised the presidency by that title may not be re-elected, nor elected Vice-President, until after an equal period has elapsed. The term shall begin and end on March 1st of the year of the election and may not continue one day longer.

Nor may the citizen who has exercised the constitutional presidency within the last six months of the time indicated in the preceding clause be elected President.

ART. 83. To be President or Vice-President of the Republic it is necessary to be a Salvadorian by birth, of secular status, more than thirty years of age, to be in the exercise of the rights of citizenship, without having lost them in the five years preceding the election, and to be of known honesty and learning.

ART. 84. The citizen who exercises the presidency of the Republic shall be commander-in-chief of the army.

ART. 85. For the dispatch of public business there shall be the Ministers of State that are considered necessary, among whom the President of the Republic shall distribute the different branches of the administration. There shall be the necessary number of Subsecretaries to take cognizance of matters that may be entrusted to them and to substitute for the Ministers in the cases that the law determines. The creation of ministries or subsecretariats shall be made by legislative decree.

ART. 86. To be a Minister or Subsecretary of State it is necessary to be a native and resident of the Republic, more than twenty-five years of age, of known morality and capacity, not to have lost the rights of citizenship within five years before being appointed, and not to be a contractor of public works or services or to have pending claims of personal interest. The office of Minis-

ter or Subsecretary of State is incompatible with any other, except that of professor of instruction.

ART. 87. The decrees, decisions, orders, and measures of the President of the Republic must be authorized and communicated by the Ministers in their respective branches or, in their default, by the Subsecretaries of State, who must have the same qualifications as the former. Acts without this requirement shall not be obeyed.

ART. 88. Ministers shall attend sessions of the Assembly, provided they are called, and they shall answer interpellations put to them; but they must retire before each ballot.

ART. 89. The President of the Republic and his Ministers or Subsecretaries are jointly responsible for the acts that they authorize. The Ministers and Subsecretaries shall not be exempt from responsibility even though they may withhold their votes.

ART. 90. Duties of the Executive are:

1st. To maintain uninjured the sovereignty and independence of the Republic and the integrity of its territory.

2nd. To preserve domestic peace and tranquillity.

3rd. To publish the laws and cause them to be executed.

4th. To present to the legislative body, by means of his Ministers, within the eight days following the opening of its regular sessions, a detailed report and a documented account of the public administration in the year preceding, and the budget of expenses for the coming year, indicating the means of discharging them. If this obligation is not complied with within the indicated period, the Minister who did not discharge it shall, by the act itself, be suspended from his functions, and the Executive shall be notified immediately, in order that, within the eight days following, he may present, by means of a Minister whom he may appoint for that purpose, the aforesaid report and budget; and, if it is not thus accomplished, the President of the Republic shall be suspended, the person called according to this Constitution assuming the executive power; said person must, within twenty days, comply with that duty. In this case the Legislature may prorogue its sessions for an equal period.

5th. To give to the Assembly the information that it may request, but if it is about confidential matters it shall be thus explained; but if the Assembly considers its presentation necessary he shall be obliged to give it to them if it does not deal with plans of war or political negotiations the secrecy of which is indispensable. But in the case in which the information may be necessary for determination of responsibility he may not refuse it for any reason or withhold documents after having been accused by the Assembly.

6th. To give the public officials of the Judiciary the assistance that may be necessary to make effective their measures.

ART. 91. Powers of the Executive are:

1st. To appoint, remove, and accept resignations of the Ministers of State, governors of Departments, officers of the army, and all in the administrative branch with the exception of those whose appointment is reserved to another authority or those who may be popularly elected.

2nd. To organize the army of the Republic and to confer ranks up to and including that of captain.

3rd. To direct foreign relations and to appoint and remove ministers and all other classes of diplomatic and consular agents, and to receive the ministers of other Nations.

4th. To convene, in Council of Ministers, extraordinary sessions of the Legislature when the great interests of the Nation may demand it, calling in such case the substitutes of the Deputies who may have died or are legally incapacitated.

5th. To indicate, before the meeting of the Legislature, the place where it shall assemble when, in that designated by law, there may not be sufficient security or freedom for it to deliberate.

6th. To conduct war and to make peace, submitting immediately to the ratification of the Legislature any treaty that he may negotiate for that purpose.

7th. To conclude treaties and any other diplomatic negotiations, submitting them to the ratification of the Legislature.

8th. To call to the service, in addition to the permanent troops, any forces that may be necessary to repel invasions and suppress rebellions.

9th. To outfit or close ports, to establish maritime and land customs houses, and to nationalize and register vessels.

10th. To commute penalties, after a report and favorable opinion by the Supreme Court of Justice.

11th. To return, with his objections, bills passed by the Legislature, in conformity with Article 72 of this Constitution.

12th. To issue regulations, decrees, and orders to facilitate and assure the execution of the laws, and to order their internal administration.

13th. To promote public instruction in all branches of human knowledge, decreeing ordinances and adopting adequate methods.

14th. To decree the opening and improvement of means of communication; but contracts that may be negotiated for the construction of wharves, railroads, and the opening of canals shall have no effect until they are approved by the Legislature.

15th. To rehabilitate, during the recess of the Legislature, those who may have lost the rights of citizenship; but in no case may he do this with regard to officials of his own appointment who have lost the rights of citizenship in consequence of an offense committed in the exercise of their functions.

16th. To decree, in Council of Ministers, during the recess of the Legislature, a state of siege, giving an account to the latter in its next meeting of the

causes leading to it and of the acts undertaken in making use of the powers that the law may confer on him. The undue prolongation of a state of siege constitutes an offense against the Nation.

17th. To employ Clauses 27 and 28 of the legislative power, in the recess of the Legislature, with the obligation of giving an account in its next meeting.

ART. 92. The President is prohibited from leaving the territory of the Republic without the permission of the Legislature except when the necessities of war compel him to do so; but in one or the other case he shall deposit the supreme power with the person designated by law.

ART. 93. All decrees, orders, or resolutions emitted by the Executive in excess of the powers established by this Constitution shall be null and may not be obeyed, even if issued with the intention of submitting them to the approval of the legislative body.

TITLE VIII

Concerning the Judicial Power

ART. 94. The judicial power shall be exercised by the Supreme Court of Justice, chambers of third and second instance, and the other tribunals that the law establishes. The power of judging and causing the judgment to be executed in civil, commercial, and criminal matters belongs exclusively to this authority.

The president of the Supreme Court of Justice is the representative of the Judiciary.

ART. 95. The Supreme Court of Justice shall reside normally in the capital of the Republic; and it shall be composed of a presiding Magistrate and of the six magistrates of the two chambers of third instance; they shall arrive at decisions by the vote of the majority of their members, and in case of a tie the vote of the president shall decide.

ART. 96. The president of the Supreme Court of Justice shall preside over the sessions of the tribunal and shall have the powers that the law determines. In default of the president, the Magistrate that the law designates shall exercise his functions.

ART. 97. Powers of the Supreme Court of Justice are:

1st. To form its by-laws and those of the chambers of second and third instance.

2nd. To appoint judges of first instance of the common law, those of financial and military [courts], the court attorney and proctor for the poor, the attorneys and proctors for the poor of the chambers of second instance, prosecuting attorneys, medical attorneys, the secretary of the tribunal, and the other subordinate employees of the same, to remove them, take cognizance of their resignations, and grant them leaves.

3rd. To see to it that justice is administered promptly and fully.

4th. To visit tribunals and courts, by means of a Magistrate, to correct abuses and irregularities that may be noted in the administration of justice.

5th. To make use of the right of initiative, manifesting directly to the Legislature the disadvantages of the laws and the voids that may have been noted in their application; to suggest the reforms to which they may be susceptible and to submit the bills that it may deem appropriate.

6th. To perform the reception of attorneys, disqualifying or suspending them from the exercise of their profession for the offenses of prevarication, bribery, fraud, falsity, or for notoriously immoral conduct, with only moral hardihood of proof, proceeding summarily to establish the facts, and rehabilitating them when it is in conformity with the law. It shall exercise an equal power with respect to notaries and proctors.

7th. To appoint cojudges in the cases determined by law.

8th. To take cognizance of prize cases and those requesting extradition, without prejudice to what is provided in prevailing treaties.

9th. To adjust questions of competence that may arise among tribunals and judges, of whatever jurisdiction and nature they may be.

10th. To decree and make effective the appeal of *amparo* established by this Constitution, in the cases and the manner anticipated by the respective law.

11th. To receive by itself, or by means of officials that it designates, the constitutional oath of judges of first instance and the other officials and employees of its appointment, the same as with the cojudges it names in the cases established by law.

12th. To prepare the annual budget of salaries and expenditures for the administration of justice and to remit it at the appropriate time to the Executive for its inclusion in the general budget that the latter remits to the National Assembly.

13th. To take cognizance of the responsibility of public officials, that belongs to them according to this Constitution, for infractions committed in the exercise of their functions.

The law shall determine other powers of the Supreme Court of Justice.

ART. 98. The powers indicated in Clauses 4, 10, and 11 of the preceding article are common to the chambers of second instance that may not have their seat in the capital of the Republic. They have, furthermore, the power of receiving accusations and denunciations that may be made against public officials with respect to whom the Supreme Court of Justice has the power of decreeing whether or not there is ground for the formulation of a charge, for the sole purpose of formulating the information and giving it with an account to the said tribunal.

All the chambers of second instance shall appoint their respective secretaries and other subordinate employees.

ART. 99. Two chambers of third instance may be established, one for civil matters and the other for criminal matters, with residence in the capital, each

one composed of three magistrates. Six chambers of second instance may be established, moreover, each one composed of two magistrates, distributed thus: one for the western section, with residence in Santa Ana; one for the eastern section, with residence in San Miguel; two for the first central section, that shall be denominated: chamber of second instance for civil matters for the first central section and chamber of second instance for criminal matters for the first central section, both chambers with residence in the capital and with the same jurisdiction; another, that shall be denominated chamber of second instance for the second central section, with residence in Cojutepeque; and another, that shall be called chamber of second instance for the third central section, with residence in San Vicente. Each chamber shall be presided over by the magistrate first in number.

Notwithstanding what is provided in the previous clause, other chambers of second instance may be established in conformity with the law, on the initiative of the Supreme Court of Justice.

A secondary law shall regulate the chambers, establishing their jurisdiction and the other powers not determined in this Constitution.

ART. 100. To be a Magistrate of the Supreme Court of Justice or of the chambers of second instance it is necessary:

1st. To be a Salvadorian by birth, in the exercise of his rights of citizenship, and to have enjoyed them during the five years previous to the election.

2nd. To be an attorney and notary of the Republic, or legally incorporated.

3rd. To be more than thirty-five years of age.

4th. To have served as a judge of first instance during at least four years, or to have exercised effectively the profession of attorney and notary, with known probity and competence, for more than eight years.

ART. 101. Six substitute magistrates shall be designated for the chambers of third instance and two for each one of the chambers of second instance, who must have the same qualifications as the incumbents. The substitutes shall, without distinction, enter into the exercise of the functions in their respective chambers when they may be called according to law to substitute for the incumbents.

ART. 102. The Magistrates of the Supreme Court of Justice and those of the chambers of second instance shall be elected by the National Assembly; they shall continue two years in the exercise of their functions and may be re-elected. Their term shall commence April 1st of each second year.

Relatives, included within the fourth degree of legitimate or illegitimate consanguinity or the second of legitimate affinity, may not be elected Magistrates of the Supreme Court of Justice or of the same chamber of second instance.

ART. 103. The chamber of second instance for civil matters for the first central section shall take cognizance in first instance of cases that are brought

against the State, and the chamber of third instance for civil matters shall take cognizance of them in second instance.

ART. 104. There shall be incumbent and substitute judges of first instance, whose number, residence, the character and matters of their competence, jurisdiction, powers, and other requisites necessary for the exercise of their functions shall be determined by law.

ART. 105. To be an incumbent or substitute judge of first instance it is necessary: to be a Salvadorian by birth or a Central American naturalized in the Republic, to be in the exercise of his rights of citizenship, having enjoyed them during the three years previous to his appointment, to be more than twenty-five years of age, an attorney and notary of the Republic or legally incorporated, and to be of known morality.

Judges of first instance shall be elected for two years, and may be re-elected. They may not be removed before completion of their terms except in cases of offense, notorious public or private bad conduct, or manifest incapacity. The Supreme Court of Justice shall pass on the last two circumstances, known or ascertained by any rational means.

ART. 106. The status of magistrate or of judge of first instance is incompatible with that of a remunerated official or employee of the other branches, with the exception of that of professor of instruction.

ART. 107. Administrators of revenues and of customs and any other public official so decided upon shall, in the preparation of proceedings for offenses against the public treasury, and municipal mayors and police judges shall, in the trial of police offenses, have the powers that the respective laws and regulations grant to them.

ART. 108. There shall be justices of the peace in all settlements of the Republic; their number, election, status, and powers shall be determined by law.

The National Legislative Assembly may, on the initiative of the Supreme Court of Justice, modify, wholly or partially, the system of administration of justice served by the justices of peace, by another that is in greater harmony with social necessities, having as a basis the principles of free justice and the capacity of the officials who may administer it.

ART. 109. The jury is established for offenses under the jurisdiction of judges of first instance of the common law; but the National Legislative Assembly, on the initiative of the Supreme Court of Justice, may amplify or restrict the competence of the jury, determining the cases in which such a tribunal must have jurisdiction.

A secondary law shall regulate the institution of the jury.

ART. 110. It is of the jurisdiction of the tribunals, within the power of administering justice, to declare the inapplicability of any law or provision of the other branches, contrary to constitutional precepts, in cases in which they may have to pronounce sentence.

The recourse of *amparo* may also be established before the Supreme Court of Justice, based on the unconstitutionality of a law that may refer to matters not discussable before the tribunals, by its application in a concrete case and by any person who is injured in his legitimate rights.

TITLE IX

Departmental and Local Government

ART. 111. For political administration the territory of the Republic is divided into Departments, the number and boundaries of which shall be fixed by law. In each one of them there shall be a titular and a substitute governor appointed by the Executive.

ART. 112. To be a titular or substitute governor, it is necessary to be a citizen in the exercise of his rights, without having lost them in two years previous to the appointment, to be twenty-five years of age, and of competent integrity and learning.

ART. 113. The local government of the towns shall be under the charge of municipal bodies elected popularly and directly by the citizens residing in each locality. Each municipal body shall be composed of a mayor, a syndic, and two or more aldermen, proportionately to the population, in conformity with what is determined by law.

ART. 114. The municipal councils shall administer their funds for the benefit of the community, rendering an account of their administration to the tribunal established by law.

ART. 115. The powers of the municipal bodies, which shall be purely economic and administrative, and the qualifications that their members must have to be elected, shall be determined by law.

ART. 116. The municipal bodies of the chief towns of districts shall have, in addition to the powers confided to them by law, that of commuting penalties imposed for misdemeanors, in conformity with the law.

ART. 117. The municipal bodies are entirely independent in the exercise of their functions, but they are responsible for their acts, whether as juridical persons or as individuals, as the case may be. Subordinate employees of the municipal bodies shall be appointed by them without interference by any other authority.

ART. 118. The appointment and removal of agents of the police, which shall be a civil body, belong to the municipal bodies; but in the capital of the Republic this power shall be exercised by the Executive, who shall have the supreme direction of the branch. A secondary law shall regulate this.

TITLE X

Concerning Elections

ART. 119. The President of the Republic, the Vice-President, and the Deputies shall be popularly elected.

ART. 120. All citizens shall have a direct vote in these elections.

ART. 121. The right of suffrage is irrenounceable and its exercise is obligatory.

ART. 122. All Salvadorian citizens shall exercise the right of suffrage. The exercise of this right shall be regulated by law.

ART. 123. Population is the basis of the electoral system, and, until an exact census is taken, the administrative division of the Republic into Departments, districts, and cantons shall serve as the standard for the present.

ART. 124. Each Department shall elect three titular and two substitute Deputies, but when the census prescribed by the preceding article is taken, one titular and one substitute Deputy shall be elected for each 15,000 inhabitants.

ART. 125. No minister of any religious denomination may obtain an office by popular election.

ART. 126. A special law shall regulate the manner of holding elections.

TITLE XI

Public Finances

ART. 127. The public treasury is formed by:

1st. All its possessions, chattels, and real property.

2nd. All its active credits.

3rd. All imposts, taxes, and contributions that are paid and that in the future shall be paid by Salvadorians and aliens.

4th. Revenues under any other title that the State receives or may receive.

ART. 128. All revenues of the State shall constitute a single fund, that shall be chargeable in a general manner with the needs and obligations of the state itself. Resources may be charged to special purposes only for the service of the public debt, for the purchase and division of lands and the construction of cheap houses for purposes of social betterment, and for institutions of charity or of public instruction and official enterprises to which the law grants autonomy. In this last case, the charge shall be limited to the resources produced by the enterprise or institution with which it deals.

ART. 129. The public treasury shall be administered by the officials that the law designates.

ART. 130. The general budget shall contain all receipts and expenditures of the Nation for each year. Nevertheless, institutions and enterprises that

enjoy or may enjoy autonomy may be governed by special budgets approved by the Legislature.

The amount of the floating debt that the Government may incur during the year with which it deals shall be authorized in the budget law in order to remedy temporary deficiencies of revenues; the debt must be covered in the same fiscal year and may not exceed ten per cent of the estimated revenues for the year.

A special law shall establish everything that relates to the preparation, voting, execution, and liquidation of the budgets.

ART. 131. The Executive, by means of the respective branch, shall have the direction of the general finances of the Republic and shall be especially obligated to preserve the balance of the budget.

ART. 132. There shall be, for the administration of public funds, a general treasury, collecting and paying.

No sum may be paid or guaranteed by the treasury if it is not within the limitations of a budget credit and in the form prescribed by law.

Nor may any expenditure be obligated, authorized, or approved if it is not with the charge of a budget credit. Funds for future fiscal years may be obligated only with legislative authorization, by means of an extraordinary budget, for the acquisition or construction of works of public or administrative interest or for the consolidation or conversion of the national debt.

Subventions and remunerations that may affect public funds shall be the object of a special law. A special law shall also fix the rules by virtue of which pensions and retirements shall be granted.

Any sum that is disbursed in contravention of what is provided in the previous clauses shall be the responsibility of the official who authorizes or orders it, and also that of the executor if he does not prove his innocence.

By way of exception, the Executive may, when the Assembly is not in session, and within the special limits that the law establishes, authorize sums not included in the budgets, provided they are intended for the following purposes:

- 1st. War or the threat of the same.
- 2nd. Grave disturbances of public order or imminent danger of them.
- 3rd. Public calamities.

Approval of the credits necessary to cover the sums authorized by the Executive, in conformity with the previous clause, must be requested of the Assembly when it reconvenes.

The Executive may also, with the formalities of the law, effect transfers between items in the same chapter of the budget. Each chapter shall correspond to an administrative agency.

ART. 133. In case of scarcity or of public calamity, the Executive may, in Council of Ministers, grant freedom of import duties, temporarily, on articles of prime necessity, submitting said agreement to the approval of the National

Assembly, immediately if the latter is assembled, or in its first sessions if it should be in recess, which shall approve it if it considers it justified.

ART. 134. The Legislature may diminish or reject requested credits, but it may never increase them.

ART. 135. Technical legal supervision of the administration of the public treasury in general and of the execution of the budget in particular shall be under the charge of an independent agency of the executive branch, which shall be denominated the court of accounts of the Republic.

It shall have the following functions:

1st. To inspect and watch over the collection, custody, commitment, and expenditure of public monies.

2nd. To authorize every expenditure of funds of the public treasury, in conformity with the budget, and to intervene preventively in every act that in a direct or indirect manner affects the public treasury or the patrimony of the State, and to authenticate those relative to the public debt.

3rd. To direct, inspect, and audit the accounts of officials who manage public funds, as well as those relative to any other properties of the State, and to pass judgment on them.

4th. To control the economic administration of public establishments, of official entities, including autonomous ones, and of corporations of public law.

5th. To prepare and execute the budget.

6th. To decree the regulations that may be necessary for the fulfillment of its duty.

7th. To appoint its employees.

In addition to the functions enumerated, it shall exercise those that the laws indicate.

Provided that an act submitted to the jurisdiction of the court of accounts in the exercise of its legal functions violates any law or regulation in force, the court shall give such notice of it to the officials who transmitted it, the act remaining suspended, in the meantime, in its legal effects.

The Executive may ratify the act, wholly or partially, by means of a resolution taken in Council of Ministers and published in the *Diario oficial*.

The ratification published in the *Diario oficial* operates to terminate the legal suspension of the act, provided that the objections of the court of accounts are not based on the lack or insufficiency of a budget credit to which an expenditure applies, but in such case, the suspension shall be abated until the deficiency of credit has been covered.

ART. 136. The court of accounts shall be formed by a superior chamber and the inferior ones established by law.

The superior chamber shall be composed of a president and two magistrates. There shall be, moreover, the substitutes that the law determines.

The incumbents as well as the substitutes shall be elected by the National

Assembly for a term of two years, and may be re-elected; and they may be removed only for just cause, by means of a resolution of the Assembly.

The judges of the inferior chambers shall be appointed by the superior chamber. The other employees of the court of accounts shall be appointed by the president of the same.

The organization and functioning of the court of accounts shall be the subject of a special law, but in all cases functions of an administrative character shall belong to the president of the same, who may delegate them to other magistrates.

ART. 137. The president and magistrates of the court of accounts must be Salvadorians by birth, in full exercise of their rights of citizenship, more than thirty years of age, and with the necessary capacity and integrity.

ART. 138. The president of the court of accounts shall render annually to the National Assembly a detailed and documented report of its labors.

ART. 139. When the State or the municipalities may have to negotiate contracts in which national or municipal revenues or properties are obligated, the proposal must be published in the *Diario oficial* and submitted to public bidding, except in the cases determined by law.

In no case may contracts be negotiated in which the decision, in case of controversy, belongs to a foreign tribunal; and the Spanish text shall always be used in an interpretation.

ART. 140. In every concession granted or contract negotiated by the State for the establishment of wharves, railroads, and canals, or of any other work of public utility, the condition shall be stipulated that these works shall pass within a certain time, which may not be greater than fifty years, to the dominion of the State, in perfect state of service, without any indemnification.

ART. 141. Neither the Legislature nor the Executive may dispense with the payment of amounts provided for officials and employees who administer national or communal funds, or debts in favor of the treasury or of the municipalities.

TITLE XII

The Armed Force

ART. 142. The armed force is instituted to maintain the integrity of Salvadorian territory, to preserve and defend national autonomy, to enforce the law, to guard public order, and to make effective the constitutional guarantees.

ART. 143. The armed force is essentially obedient and may not deliberate on matters of military service.

ART. 144. In case of war, all able-bodied Salvadorians between eighteen and fifty years of age shall be soldiers.

ART. 145. The army of the Republic shall be composed of the permanent

forces, the national militia, and the navy. Each town shall contribute to its formation proportionally to the number of its inhabitants.

The designation of troops that shall compose the army shall be made by lot.

The permanent force in time of peace shall be fixed annually by the Legislature and limited strictly to what is necessary to guard the ports, places, and arsenals.

The military career is professional and only the military ranks obtained by strict promotion, in conformity with the law, shall be recognized.

A military title is acquired and retained personally, by right and for life, and it may not be withdrawn except by judicial sentence.

Promotions shall be carried out strictly from rank to rank and in order to fill vacancies that may occur.

A law shall regulate retirements and pensions of members of the army.

ART. 146. Martial law shall apply only to individuals of the army of the Republic who are in active service, and for purely military offenses. Special jurisdiction is abolished.

The designation of members for a trial by councils of war, established by military law, shall in all cases be made by lot from among capable officers, according to law.

ART. 147. Legal appeals against decisions of councils of war shall be admitted before the commandant general of the Republic or the respective superior officer in the field.

TITLE XIII

Public Ministry

ART. 148. A Public Ministry is established, which shall be exercised by the Attorney General of the Republic and by the other officials determined by law, who shall act as assistants of the Attorney General.

ART. 149. The Attorney General of the Republic shall enjoy independence of action in the exercise of his functions.

The President of the Republic shall appoint, remove, decide upon the resignation of, and grant leaves of absence to the Attorney General of the Republic. This official must possess the qualifications established by the present Constitution in order to be Magistrate of the Supreme Court of Justice. The other members of the Public Ministry shall be appointed and removed by the President of the Republic on the proposal of the Attorney General. Communications regarding them shall be issued by the Attorney General of the Republic.

The technical and subordinate personnel of each one of the organizations and dependencies of the Public Ministry shall be appointed and removed in the same form as already expressed.

The President of the Republic shall appoint a substitute Attorney General

who shall replace the incumbent in the cases determined by law, and who must have the same qualifications as the latter in order to be appointed.

ART. 150. It is the function of the Attorney General of the Republic, directly or by means of his assistants, to represent and defend the interests of the State and of society, to watch out for the fulfillment of the law, for the prompt and efficient administration of justice, for the defense of the persons and interests of minors, indigents, or incapacitated persons for whom special laws have not provided, or to watch out for that defense in the case of specified persons having been entrusted to it by law; the Attorney General must, in such cases, further officially, if necessary, by himself or by means of his assistants in their order, the trials or judicial proceedings that may arise in conformity with the law, before a competent authority.

ART. 151. The Attorney General of the Republic is responsible for his acts in the exercise of his functions, in the same terms as the Ministers of State.

ART. 152. A secondary law shall regulate the functions of the Attorney General of the Republic and shall determine the members who may constitute the Public Ministry, with their powers and duties.

TITLE XIV

Family and Labor

ART. 153. The family, as the fundamental basis of the Nation, shall be especially protected by the State, which shall enact the necessary laws and provisions for its moral, physical, economic, intellectual, and social improvement, for the promotion of matrimony, and for the protection of maternity and of infancy.

Delinquency of minors shall be subjected to a special juridical system.

Family property shall be the object of a law.

ART. 154. The State shall protect and promote the acquisition and conservation of small rural properties and the construction of suitable and hygienic dwellings for the rural and urban population.

Leaseholds shall be regulated by law.

ART. 155. Labor is a duty and a right, both of a social character. The State shall employ the resources that are within its scope to provide employment to all who may lack it and the laborer shall enjoy its protection to assure him a dignified existence.

The State shall enact suitable provisions to avoid and suppress vagrancy.

ART. 156. The labor code that is promulgated for that purpose, respecting the rights of contractors or employers and endeavoring to obtain harmony between capital and labor, shall be based primarily upon the following general principles:

1st. The protection of wages by means of the establishment of an equitable and obligatory system for the fixing of a minimum wage, determined periodically for each zone, taking into account the nature of the work and the diverse zones of the country. The regulation shall be made by means of committees composed of an equal number of employers and wage earners and a representative of the State, who shall preside. The resources that the law indicates shall be permitted for the decisions by the committees.

2nd. An equal wage, on a just basis of capacity and responsibility, must be given for equal work.

3rd. The establishment of the maximum working day, according to sex and age.

Extraordinary labor shall be regulated.

4th. The right of a day of rest after six days of work, without prejudice to the days of national holiday established by law, the latter being paid.

After one year of work, vacations shall be paid.

5th. Special protection for the labor of women and minors.

6th. Adequate indemnification for labor accidents, professional illnesses, and unjustified dismissals.

7th. Irrenounceability of the rights that the law grants to workers; but individual or collective labor contracts may establish larger loans in their favor.

8th. The right of the laborer to be informed of the conditions that the premises of work must possess and the assurances that must be adopted to guarantee his life and his health.

ART. 157. A law shall establish obligatory social insurance, with the assistance of the State, employers, and workers.

ART. 158. The State shall develop institutions of social assistance and establishments of credit and savings, and shall favor the formation of all kinds of co-operatives.

ART. 159. The Executive shall create the agencies that are considered indispensable in order to maintain the necessary equilibrium among the factors of production.

ART. 160. The right of the strike by workers and that of the lockout by employers shall be regulated by law.

TITLE XV

The Responsibility of Public Officials

ART. 161. Every official, civil or military, shall, on taking possession of his office, promise upon his word of honor, to be faithful to the Republic, to comply with the Constitution and cause it to be complied with, observing its provisions, whatever laws, decrees, orders, or resolutions there may be

to the contrary, promising, furthermore, exact compliance with the duties that his office imposes upon him, for the violation of which he shall be responsible with his person and his property.

ART. 162. The President of the Republic or whoever acts in his place, Deputies of the National Assembly, the president and Magistrates of the Supreme Court of Justice and the sectional chambers, the Ministers and Subsecretaries of State, the Attorney General of the Republic, the president and the magistrates of the court of accounts of the Republic, and diplomatic representatives shall answer before the National Assembly for the official and common offenses they may commit. The Assembly, hearing both a prosecutor from its own membership and the accused, if he is present, or a special defender, if he is not present, shall decide whether or not there is ground for prosecution. In the first case, the proceedings shall pass to the respective chamber of second instance, in order that it may pronounce sentence, after the carrying out of the appropriate trial, and in the second case, they shall be filed. Appeal shall be admitted before the Supreme Court of Justice from the sentence pronounced by the chamber.

Any person has the right to charge the offenses of which this article speaks, and to appear as a party if he possesses the qualifications required by law for that.

ART. 163. Representatives shall be tried for common offenses and misdemeanors that they commit during the sessions of the legislative body in the manner established in Article 65 of this Constitution. If any other of the officials enumerated in the preceding article shall commit any common offense he shall be accused or denounced before the Assembly, which, observing the procedure of the same article, shall decide whether or not there is ground for prosecution, and, in the first case, it shall submit the accused person to the ordinary tribunals.

ART. 164. Judges of first instance, justices of the peace, and other officials who exercise jurisdiction shall be judged, for official offenses they may commit, by the common tribunals, after a declaration, made by the Supreme Court of Justice, that there is ground for proceeding. For common offenses and misdemeanors that the aforesaid officials may commit, they shall be subject to ordinary proceedings.

Departmental governors and other officials of the administrative class shall be judged, for the official offenses they may commit, by the suitable division of the executive branch, for the sole purpose of declaring whether or not there is ground for prosecution.

For common offenses and misdemeanors that the aforesaid officials may commit, they shall be subject to ordinary proceedings.

ART. 165. From the time that the Assembly, the Executive, or the Supreme Court of Justice decides that there is ground for prosecution, the accused shall be suspended in the exercise of his functions, and for no reason may

he remain at his post without being guilty of usurpation, and no person must obey him. If the final sentence is acquittal, the accused shall return to the exercise of his office; in a contrary case, he shall, by the same fact, be dismissed.

ART. 166. Decrees, decisions, and sentences of the Assembly in this class of cases must be complied with and executed without the necessity of any confirmation or sanction.

ART. 167. If the Executive should omit from the reports rendered by his Ministers to the Legislature any of the acts that, according to the law, he must include in them, the Assembly may require him to comply with his duty in this respect, and, if he should not do so, the provisions of Article 90, Clause 4, of this Constitution shall be followed.

ART. 168. The prescription of official offenses and misdemeanors shall begin to be counted from the time that the guilty official shall have ceased in his functions.

ART. 169. Representatives in constituent assemblies shall be treated, in regard to trials, in the same manner as Deputies in the Legislature. The proceeding, in this case, shall be decided by the constituent assembly itself, which shall appoint a committee of its own members to formulate the proper charges, proceeding in all other matters according to its by-laws.

ART. 170. If, at the adjournment of the Legislature, it has not rendered sentence in the cases under its jurisdiction, it shall delegate its powers to a committee of its own members, composed of seven members, with the object of deciding the matter in conformity with what is provided in this title.

TITLE XVI

Amendment of the Constitution and Constitutional Law

ART. 171. The amendment of this Constitution may be undertaken only by two-thirds of the votes of the Representatives elected to the Assembly, and the article or articles to be amended must be stated. This resolution shall be published in the official periodical and shall be returned to be taken under consideration in the legislative session of the following year. If the Assembly ratifies it, a constituent assembly shall be convened, composed of three Representatives for each Department, in order to decree the amendments if it considers them appropriate. But it is declared that in no case may Articles 80, 81, and 82, dealing with the prohibition on the re-election of the President, Vice-President, and Designates and the duration of the presidential term, be amended.

ART. 172. Laws of the press, of state of siege, of *amparo*, and of elections are constitutional laws.

These laws may be amended by a constituent assembly or by the ordinary

Legislature by two-thirds of the votes; but in the latter case the amendments do not have the force of law if they are not ratified by the regular Legislature of the following year, by an equal number of votes.

ART. 173. Any other method of amendment different from those established in the preceding articles is illegal and null.

TITLE XVII

General Provisions

ART. 174. As El Salvador is a disjoined part of the Republic of Central America, it retains its capacity to join with all or any of the States of the latter in the organization of a national Government when circumstances permit it and its interests will be thus promoted; the same is true with regard to forming a part of the great Latin American confederation.

ART. 175. The Constitution of December 6th, 1883 is repealed in all its parts.

[August 13th, 1886]

Guatemala



THE colonial captaincy-general of Guatemala included the five present independent states of Central America and the present Mexican state of Chiapas. The province of Guatemala was not only the major political subdivision of the captaincy-general but also the intellectual and social center of the larger entity. There was issued at Guatemala City on December 27, 1823, a brief series of "constitutional bases" for an organization to be called the "federated states of the center of America." This was in actuality a constitution, although on a skeleton basis. It was followed on November 27, 1824, by a more comprehensive constitution for the "Federal Republic of Central America." This latter law was revised by what was formally a new constitution on February 13, 1835, and in such form governed the organization, a confederation in fact if not *de jure*, until its disintegration in 1839.

Acting under the authority of the afore-mentioned constitution, the component "state" of Guatemala adopted its own constitution on October 11, 1825. With each of the constituent states resuming complete sovereignty in 1838-39, the constitutional formalization of that changed status was in order, but Guatemala did not so act for a dozen years after 1839. Its second constitution, a brief document, dated from October 19, 1851. A constituent assembly met on September 11, 1876, but failed to draft a new basic law. A new assembly, organized on March 21, 1879, did write a constitution, dated December 11 of that year. This represented "a crystallization of the political philosophy of the Liberal majority" of the regime of Justo Rufino Barrios. This fundamental law was basically preserved for almost two-thirds of a century, although modified in 1885, 1887, 1895, 1903, 1921, 1927, 1935, and 1941.

The present constitution, Guatemala's fourth, dates from March 11, 1945. It is a product of the disturbed political conditions of 1944. The resignation of President Jorge Ubico on July 2 ushered in a provisional government which in turn was ousted by revolution on October 20. The revolutionary junta that succeeded to power suspended the existing constitution on November 29, 1944, though retaining some provisions temporarily. A new constituent assembly met on January 10, 1945.

CONSTITUTION OF THE REPUBLIC OF GUATEMALA

TITLE I

General Provisions

ARTICLE 1. Guatemala is a free, sovereign, and independent Republic, organized for the primary purpose of assuring to its inhabitants the enjoyment of liberty, culture, economic well-being, and social justice.

Its system of government is the democratic-representative.

ART. 2. Sovereignty is established in the people, who delegate its exercise to the legislative, executive, and judicial organs, among which there is no subordination.

The principle of alternability in the exercise of the office of President of the Republic is imprescriptible for the national political system, and the people may revert to rebellion when the said principle is dared to be violated.

ART. 3. Guatemala is recognized as a part of the federation of Central America, at present disjoined. It will maintain and cultivate fraternal relations with the other States that compose it, and will endeavor to re-establish Central American union, partially or completely, in a popular and democratic form.

ART. 4. The official language of the Republic is Spanish.

TITLE II

Nationality and Citizenship

ART. 5. Guatemalans are divided into native-born and naturalized.

ART. 6. Native-born persons are:

1st. Those born in the territory of the Republic, the children of a Guatemalan father or mother, of unidentified parents, or of parents whose nationality is unknown.

2nd. Children of alien parents, who may be born in the territory of the Republic, if, at birth or during their minority, either of the parents, or, in their case, the minors themselves, may have a domicile in the country.

The child of transient aliens, born in Guatemala, who, on arriving at his majority, has the right to elect and choose Guatemalan nationality.

Children of diplomatic representatives and those of persons who may exercise legally comparable offices are excepted.

3rd. Children of a native-born Guatemalan father or mother, born outside of the territory of the Republic, from the moment in which they may establish domicile in Guatemala, and even without this condition when, in conformity with the laws of the place of their birth, foreign nationality does not belong to them or they do not have the right to elect and choose the Guatemalan.

To choose Guatemalan nationality implies renunciation of any other nationality, a condition that must be expressly registered.

ART. 7. Nationals native to the other Republics that constituted the United Provinces of Central America are also considered native-born Guatemalans, from the time when they may acquire domicile in Guatemala, unless their nationality is expressly reserved; or when, without yet having acquired a domicile in the country, they may manifest before a competent authority their desire to be Guatemalans. In both cases they retain the nationality of their origin.

ART. 8. Naturalized persons are:

1st. Aliens who may have obtained a letter of naturalization, in conformity with the law.

2nd. Aliens who, having been domiciled and having resided in the country for the time that the law establishes, may obtain a letter of naturalization.

3rd. Spaniards and Ibero-Americans by birth who may be domiciled in the country and who may manifest before a competent authority their desire to be Guatemalans.

4th. An alien woman married to a Guatemalan, when she may choose Guatemalan nationality.

Persons who may be naturalized must expressly renounce any other previous nationality.

The State may revoke the naturalization granted, when it considers it advantageous for the defense of its institutions.

ART. 9. Citizens are:

1st. Male Guatemalans more than eighteen years of age.

2nd. Guatemalan women more than eighteen years of age who know how to read and write.

Rights and duties inherent in citizenship are: to elect, to be elected, and to choose public offices.

The suffrage is obligatory and secret for citizens who know how to read and write; it is optional and secret for women who are citizens; it is optional and public for illiterate citizens.

All males more than eighteen years of age who know how to read and write have the obligation of being inscribed in the civic register, within the year in which they obtain citizenship. Such inscription is a right of women and illiterates. Illiterates may exercise the suffrage six months after having been inscribed.

To be inscribed in the civic register, those who know how to read and write must appear before the respective authority with their documents of identity and sign the inscription; illiterates, in addition to presenting the documentation referred to in the previous clause, must be accompanied by two honorable witnesses, citizens and residents of the vicinity, who will guarantee the civic capacity of the one who appears, and his desire to exercise the right of suffrage.

No one may oblige a woman who is a citizen, or an illiterate, to be inscribed in the civic register or to vote. Nor may any citizen be compelled to vote for a determined person. Officials, public employees, and employers who may violate any of the provisions contained in this paragraph shall suffer the corporal and pecuniary penalties that the law determines and shall be suspended from their rights of citizenship and disqualified from the exercise of public offices for the time that the same law indicates.

Illiterates are eligible only for municipal offices.

ART. 10. No one may discharge any office in the State, even though he may have the status of citizen, who does not combine conditions of capability and honor. A law shall determine what refers to this matter.

ART. 11. The exercise of public functions that require for their discharge the status of citizenship may be entrusted to aliens. In such case, those who assume them are naturalized and acquire Guatemalan citizenship.

ART. 12. Guatemalan nationality is lost:

1st. By naturalization in a foreign country. There are excepted: (a) naturalization in another Central American country; (b) naturalization in Spain or an Ibero-American country, in case of reciprocity, or when the law or international treaties so provide.

2nd. By the voluntary loan of services to States that are enemies of Guatemala or allies of these in time of war, provided that such services imply treason to the Fatherland.

3rd. By residing, in the case of naturalized Guatemalans, five consecutive years in the country of their origin, or by having been absent from the Republic during a period of ten years.

4th. By denying, if naturalized, their status of being Guatemalan, in any public instrument, or by soliciting or using a foreign passport.

5th. By revocation of the letter of naturalization, issued in conformity with the law.

ART. 13. Guatemalan nationality is recovered:

1st. By entering the territory of the Republic for the purpose of establishing his domicile, if naturalization obtained in a foreign country is involved; and

2nd. By administrative resolution, in the case stipulated in the second clause of the preceding article. Said resolution may not be issued until there has elapsed the term of the penalty that applies, and one-half more.

Naturalized persons who may lose Guatemalan nationality may not recover it in any case.

ART. 14. Citizenship is suspended:

1st. By a prison sentence issued in the case of an offense to which correctional imprisonment applies and which is not bailable under bond, excepting political offenses.

2nd. By a written convicting sentence, issued in the case of an offense.

3rd. By judicial interdiction; and

4th. In the other cases that this Constitution indicates.

ART. 15. Suspension of citizenship ceases:

1st. By a decree of freedom that revokes that of imprisonment.

2nd. By a stay of proceedings.

3rd. By a final verdict of acquittal.

4th. By fulfillment of the penalty, when rehabilitation is not necessary.

5th. By amnesty; and

6th. By rehabilitation.

ART. 16. Citizenship is lost:

1st. By loss of nationality.

2nd. By assisting another country or a foreigner against Guatemala in any diplomatic claim or before an international tribunal.

3rd. In the other cases that this Constitution determines.

ART. 17. Citizenship is recovered:

1st. By residence in the territory of the Republic during the time that the law fixes after the recovery of nationality.

2nd. By administrative resolution in the case of the second clause of the preceding article; and

3rd. By conformity with the law in other cases.

ART. 18. Obligations of Guatemalans are:

1st. To serve and defend the Fatherland.

2nd. To work for the civic, cultural, economic, and social development of the country.

3rd. To contribute to the public expenses in the form prescribed by law.

4th. To comply with and to see to the compliance with the Constitution of the Republic.

5th. To obey the laws and regulations.

6th. To respect the authorities.

ART. 19. Aliens, from the time when they enter the territory of the Republic, are strictly obliged to respect the authorities, pay taxes, and comply with the laws, and they acquire the right to be protected by them.

ART. 20. Neither Guatemalans nor aliens may, in any case, claim from the Government any indemnification for damages and injuries to their persons or their property caused by turbulent parties.

TITLE III

Individual and Social Guarantees

CHAPTER I

Individual Guarantees

ART. 21. Every person enjoys the guarantees that this Constitution establishes, without further restrictions than those that the latter itself stipulates.

As an equal qualification, any discrimination by reason of relationship, sex, race, color, class, religious beliefs, or political ideas is declared illegal and punishable.

ART. 22. It is the function of the State to conserve and improve the general conditions of the Nation, to procure the well-being of its inhabitants, and to increase wealth by means of the creation and development of institutions of credit and social welfare.

ART. 23. The State protects human existence in a preferable way. The authorities of the Republic are instituted to maintain the inhabitants in the enjoyment of their rights, which are primarily life, liberty, equality, and security of the person, of honor, and of property.

No person may be hindered in that which the law does not prohibit.

ART. 24. Officials are not masters but depositories of authority, subject and never superior to the law, and always responsible for their official conduct. In such manner, no organ of the State or public official has more powers or authority than those that the law expressly confers on him.

Civil responsibility of officials and public employees for any transgression of the law, committed in the discharge of their office, must be inferred for the whole time while the prescription has not been completed, the term of which shall be ten years.

Criminal responsibility shall be extinguished by the lapse of double the time indicated by the penal law.

In both cases, the term of the prescription shall begin to run from the time when the official or public employee may have ceased in the exercise of the office during which he incurred the responsibility.

No official or public employee may be molested or persecuted for his political, social, or religious opinions.

If an official or public employee, in the exercise of his office, violates his duties to the injury of a third person, the State, or the body that he serves, shall be subsidiarily responsible for the consequent damages and injuries.

The law shall determine all other matters referring to the responsibility of officials and public employees.

The President of the Republic and that of the judicial branch, the Ministers of State, magistrates and attorneys of the courts of justice, magistrates of administrative litigation and of the tribunal and office of accounts, governors, judges of first instance, administrators of revenues, mayors, municipal and special treasurers, and all classes of officials and public employees that the law specifies or who manage or administer funds of the State or of the municipality, must deposit a declaration of all their properties and debts so that, on ceasing in their functions and even during the exercise of them, any person may, without incurring any responsibility, prefer charges for the comparison of goods or properties.

ART. 25. Every person has the freedom to enter, to remain in the territory of the Republic, and to leave it, except for the limitations that the law establishes. No one may be obliged to change domicile or residence except by decree of a judicial authority, in the special cases and with the requirements that the law indicates. No Guatemalan may be expatriated, prohibited entrance into the territory of the Republic, or denied a passport or other documents of identification.

ART. 26. Guatemala recognizes and offers the right of asylum to politically persecuted persons, provided that they respect national sovereignty and laws. Extradition of persons accused of political offenses is prohibited. In no case shall it be attempted to extradite Guatemalans accused of those offenses who have taken refuge in foreign territory. No Guatemalan may be surrendered to a foreign Government for his judgment or punishment, except for serious common crimes included in treaties in force negotiated on bases of reciprocity. It is similarly prohibited to request extradition or accede to it for common offenses related to politics. When expulsion of an alien from the national territory is agreed to, it shall not be effected to a State that would persecute him, if political asylum is involved.

ART. 27. Every service that must not be given gratuitously by virtue of a law or a sentence based on law must be equitably or legally remunerated.

ART. 28. All persons may dispose freely of their property, provided that in doing so they do not contravene the law. Entails, however, are absolutely prohibited, as well as any institution in favor of mortmain, excepting foundations intended for the establishment or purposes of charity, art, or science, which must be approved by the Government.

The establishment of trusts the term of which shall not exceed twenty-five years is authorized; in all cases they must be exercised by a bank or institution of credit empowered to do business in the Republic. This authorization is not extended in any manner to religious or monastic congregations or to priests or ministers of any cult or religion.

The term may be increased only when it deals with vouching for the incurably ill or the incapacitated.

ART. 29. The profession of all religions is free, as well as the practice of all cults, without any preference and in the interior of churches; this right does not extend to the execution of subversive acts or practices incompatible with peace and public order, and does not excuse the fulfillment of civil, social, and political obligations.

Religious societies and groups or their members as such, and ministers of cults, may not intervene in politics or in questions related to the organization of labor.

ART. 30. The inhabitants of the Republic have the right, individually or collectively, to direct their petitions to the authorities, who are obliged to

decide them in conformity with the law and without delay, and to communicate the decisions to those interested. The armed force may not deliberate or exercise the rights of petition or of suffrage.

ART. 31. The right of assembling peacefully and without arms is recognized. The law regulates the right of assembly in open air and that of demonstration. Religious demonstrations outside of churches are permitted and are governed by the respective law.

ART. 32. The right of association for the different purposes of human life is guaranteed, in conformity with the law. The establishment of conventual congregations and of all kinds of monastic institutions or associations, as well as the formation and functioning of political organizations of an international or foreign character, is prohibited. Organizations that propose Central American union or Pan-American doctrines or continental solidarity are not included in this prohibition.

ART. 33. Guatemalans have the right to be organized in political parties, which must be inscribed in conformity with what the electoral law determines.

The electoral law must be in conformity with the principle that in elections of collegiate bodies computable minorities shall enjoy, in accordance with the technical system that is adopted, the right of representation.

ART. 34. Every act by which a citizen is hindered or limited in participating in the political life of the Nation or in exercising his rights as a citizen, except for the restrictions that this Constitution establishes, is punishable.

ART. 35. The correspondence of all persons, and their private papers and books, are inviolable. Those that may be removed shall not be given credit in a trial. They may be seized or examined only by virtue of a decree by a competent judge and with the legal formalities.

Competent officials of the treasury may also, by written order, provide for the review of private papers and books that may be related to the payment of fiscal taxes. In every case, the seizure or review must be undertaken in the presence of the interested party, of his attorney, or of one of his relatives, and, in their absence, before two witnesses, residents of the place and of recognized trustworthiness.

ART. 36. Expression of thought by any means of diffusion is free without previous censoring. Anyone who abuses this right, offending with respect to private life or to morality, is responsible before the law.

Denunciations of or attacks against officials or public employees for purely official acts in the exercise of their offices do not constitute the crime of calumny or injury. Those who believe themselves injured have the right to the publication of their defense and proof; furthermore, they may demand that a tribunal of honor, composed in the form that the law determines, shall declare whether the publication was injurious or calumnious. Said tribunal may not be composed of officials or public employees.

Printing establishments and radio broadcasting stations, as well as other

means for the expression of thought, and their respective machinery and fixtures, may not be confiscated or forfeited; nor may their operations be closed or interrupted by reason of offense or failure in the expression of thought.

A jury shall take cognizance of the crimes or offenses to which this article refers, and a special law shall determine everything else relative to this right.

Radio broadcasting shall be governed by a special law, within the same guarantees and standards here designated.

ART. 37. The domicile is inviolable. No one may enter it without the permission of the proprietor, except by the written order of a competent judge, and never after 6.00 P.M. or before 6.00 A.M. The law shall determine the formalities and the cases of exception in which entrance may be undertaken. Registration of documents and effects must always be made in the presence of the interested party, of his attorney, or of a member of his family, and in their absence, before two witnesses, residents of the place and of recognized trustworthiness.

ART. 38. All Guatemalans, without distinction of sex, are admissible to public offices and employment according to their merit and capacity, except for the incompatibilities that the laws indicate and the limitations that this Constitution establishes.

ART. 39. Obedience in civil matters, or in military matters with respect to orders that affect civil matters, has as a limit the manifest illegality of the order. A guard who makes use of arms against a detained or imprisoned person who attempts to flee shall be necessarily inculpated and responsible, in conformity with the law, for an offense that he may have committed.

ART. 40. The inhabitants of the Republic have free access to the tribunals to prosecute their suits in the form that the laws indicate. Aliens may not have recourse to diplomatic channels except in the case of a denial of justice, an executed sentence not favorable to the plaintiff being understood as not a denial of justice.

ART. 41. No one shall be obliged to testify in a criminal case against himself, against his spouse, or his relatives within the fourth degree of consanguinity or the second of affinity.

ART. 42. Trial for the defense of the person and of his rights is inviolable, and no one may be judged by tribunals that have not been previously created by law.

ART. 43. No one may be detained or imprisoned except by reason of crime, offense, or judicial restraint, and by means of a written order by a competent authority issued in accordance with the law, except when a fugitive criminal or one *in flagrante delicto* is involved, cases in which a previous order shall not be necessary; but the detained person must be placed without delay at the disposal of a judicial authority and in centers of provisional detention.

Persons whose identity can be established by means of documents they

present or by the testimony of a known person or one properly identified may not be detained for simple offenses or for violations of police regulations. In such cases, the authority or his agents must be limited in their duty to assuring that the violator shall appear before a competent judge within the period of twenty-four working hours. The law shall prescribe the sanctions incurred by and the form of proceeding against those who do not obey that prevention.

Imprisonment for debt may not be ordered, except when it deals with the lending of support to minor children, destitute parents, spouse, or incapacitated brothers or sisters, when the obligated person has economic resources and refuses to comply with such duty or, to evade compliance, transfers his property in favor of a third person.

ART. 44. No one may be held incommunicado for more than forty-eight hours. If this provision should be violated, the authority who gave the order and the head of the prison or the employees who executed it or caused it to be executed, shall be deprived of their offices and punished with the penalties indicated by law.

ART. 45. Jails are centers that have the object of securing those confined and promoting their reform, not mistreating them or subjecting them to unnecessary restrictions for such security. In no case may torture, vexations, molestation, or any other form of coercion be inflicted upon them, nor may they be made the victims of illegal exactions. If this provision should be violated, the authority who gave the order and the head of the prison or the employees who executed it or caused it to be executed, shall be deprived of their offices and permanently disqualified for the discharge of any public employment; they shall suffer, moreover, the corresponding punishment and shall be responsible for the payment of the respective indemnification.

Places intended for detention and the fulfillment of sentences are institutions of a civil character and are subordinate to the tribunals of justice.

Imprisonment shall be undertaken only in establishments intended for that purpose.

Minors shall not be confined in places intended for those of majority age, except in reformatories, under the vigilance and care of competent persons who will attend to their integral education and medical treatment in order to effect their prompt reincorporation in society. The order for confinement must be given in the respective tribunal. Everything relative to the delinquency of minors shall be the object of a special law.

ART. 46. Every detained person must be interrogated within forty-eight hours; at the time of the investigation the cause of the detention must be made known, the person who accuses him in the case, and all that is necessary for him to comprehend the punishable action attributed to him. Confinement incommunicado shall cease from that moment, and a defender in the proceedings must be at once provided.

Detention may not exceed five days; within that term a sentence of im-

prisonment must be issued or the detained person ordered placed at liberty.

ART. 47. Sentence of imprisonment may not be issued without previous summary information of a crime having been committed and the presence of a sufficient motive, according to the law, for the belief that the person detained is guilty.

ART. 48. In the citations issued by any authority, official, or public employee, the object of the court appearance must be designated.

ART. 49. Acts of omission or commission that are not qualified as crimes or offenses and subject to a penalty by a law prior to their perpetration are not punishable. Penal laws shall have retroactive effect when they may be favorable to the offender. Other laws shall not have retroactivity, except for reasons of public order and social utility, or of national necessity, expressly indicated in the law by a vote equal to two-thirds part of the total number of Deputies that compose the Congress.

ART. 50. Legal, administrative, or any other kind of provisions that regulate the exercise of the rights which this Constitution guarantees shall be null, *ipso jure*, if they diminish, restrict, or evade them. Acts or contracts that violate constitutional standards shall likewise be null, *ipso jure*.

Adequate resistance for the protection of previously guaranteed individual rights is legitimate.

Action for the prosecution of violations of the principles of this title is open to the public, and may be exercised, without bond or formality of any kind, by simple denunciation.

Enumeration of the rights guaranteed in this title does not exclude others that this Constitution establishes, or others of an analogous nature, or those derived from the principle of the sovereignty of the people, from the republican and democratic form of government, and from the dignity of man.

ART. 51. Every person has the right to ask aid in the following cases and for the following purposes:

1st. In order that he may be maintained or restored in the enjoyment of the rights and guarantees that the Constitution establishes.

2nd. In order that it may be declared that, in concrete cases, a law, a regulation, or any provision of an authority is not applicable. Every person illegally detained, imprisoned, or restricted in any manner in the enjoyment of his individual liberty, or who may suffer vexations even in legal imprisonment, has the right to ask for his immediate presentation, if it be for the purpose of having restored to him his liberty, freeing him from the vexations, or bringing to an end the coercion to which he has been subject. If the tribunal orders the liberty of the person illegally confined, he shall be freed in the same action and place. When it is thus requested, or the judge or tribunal deems it pertinent, the presentation referred to in this clause shall be made in the place where the detained person is held, subjected to vexations, or coerced, without any previous information or notification to the parties.

ART. 52. No one may be condemned without having been accused, heard, and brought to trial.

The penalty of death shall be applied only under previous sentence issued in a trial by the tribunals of the Republic, and for the crimes that the law determines, committed by males of majority age.

Against such sentences—which may never be based on presumptive proof—all existing legal resources shall always be applicable, including those of appeal and grace, excepting in the cases of the invasion of a besieged territory, place, or city and mobilization for the purpose of war.

ART. 53. All administrative acts are public, and citizens have the right to ask for information about them at any time, except when they deal with diplomatic affairs or military operations.

ART. 54. The guarantees to which Articles 25, 27, 31, 33, 34, 35, 36, 37, 43, and 48 refer may be restricted in accordance with what is established by Article 138 of this Constitution.

CHAPTER II

. *Social Guarantees*

FIRST SECTION

Labor

ART. 55. Labor is a right of the individual and a social obligation. Vagrancy is punishable.

ART. 56. Capital and labor, as factors of production, must be protected by the State.

ART. 57. The State will employ the resources that are within its ability to provide employment to all who may lack it and to assure to them the economic conditions necessary for a dignified existence.

ART. 58. The laws that regulate relations between capital and labor shall pay attention to the economic and social circumstances of the country, to the particular conditions and customs of each region, and to the characteristics and possibilities of diverse kinds of activities. With respect to agricultural workers, the States shall take into account their conditions and needs, the zones in which they work, and other circumstances peculiar to this kind of labor.

Fundamental principles of the organization of labor that must regulate said laws are:

1st. The regulation of individual and collective labor contracts, which must be of obligatory compliance for employers and workers.

Stipulations that imply renunciation, diminution, or evasion of any right recognized in favor of the worker by this Constitution or by the law shall be null and not obligatory for the contracting parties, even though they may be expressed in a labor convention or some other pact.

2nd. The periodic fixation of the minimum wage that workers of all classes must receive, paying attention to the possibilities of the employers' enterprises and to the needs of a material, moral, and cultural nature of the workers, and to their obligations as heads of families. The worker or employee has the right to one day of rest, remunerated, for each six of work. Days of vacation recognized by law shall also be remunerated. When additional days and hours are worked under agreement, these shall be paid for in the proportion established by law.

The regulation shall be made, in each zone, by bi-party committees presided over by a representative of the State.

In work by the job, by engagement, or by piece, it shall be obligatory to calculate reasonably a minimum wage for a day of work.

The minimum of all wages is unattachable, except for responsibilities for feeding, in the form that the law establishes. Nor may the instruments of labor owned by the workers be attached.

No discount that is not authorized by law may be made in the wage of the worker.

The law shall establish the preference of credits authorized in favor of workers, for pay or wages earned in the final quarter.

The Executive, in cases of national emergency, may fix prices and wages.

3rd. The obligation to pay the worker the wage in money of legal tender and not in vouchers, counters, merchandise, or in kind; however, in regard to food substances, the field worker may receive them as pay, up to thirty per cent of his wage as a maximum, in the understanding that the employer makes the provision at cost price or less.

4th. The effective maximum working day, which shall be eight hours, and forty-eight hours weekly. The effective working day is the time during which the worker is at the disposal of the employer.

The effective working period for night work shall be six hours, and thirty-six hours weekly. The law shall determine between what hours night work is understood, as well as the amount and frequency of the extra days and hours of work, in a form compatible with the health of the workers.

Those who, by provision of the law or by agreement with the employers, work less than forty-eight hours a week have the right to receive the entire wage of the ordinary week.

5th. Paid annual vacations for workers after one year or more of uninterrupted service. The law shall regulate their inception, graduation, and extent.

6th. Equality of wages or pay corresponding to equal work and under identical conditions, given in the same enterprise, without distinction of age, race, sex, or nationality, paying attention only to capacity, efficiency, and honesty.

7th. Preference for Guatemalan workers under equality of conditions, fixing the minimum proportion of nationals for each business or enterprise,

taking into consideration not only their number but also the total amount of the wages or pay that they are given.

8th. The right of free organization for the exclusive purposes of the economic-social defense of employers, private employees, teachers, and workers in general. The State, in defense of the interests of the members, shall supervise the good management of the funds of union organizations.

9th. Regulation of the rights of the strike and the lockout.

10th. Protection of women and of minor workers, regulating the conditions under which they must give their services.

No difference between married and single women may be established for purposes of work. The law shall regulate the protection of maternity among working women, from whom no work requiring considerable physical exertion may be demanded during the three months previous to childbirth. Working mothers shall enjoy a remunerated obligatory rest for one month before and forty-five days after childbirth; in the time of lactation they have the right to two daily periods of special rest, of one-half hour each, for feeding the child.

Minors under fourteen years may not be employed in factories, farms, or other enterprises. The law shall regulate the exceptions for reasons of apprenticeship or the necessity of co-operation in the family economy, compatible with the obligation of their education.

The law shall likewise regulate the labor and the maximum working day of youths more than fourteen years of age.

It is prohibited to employ children less than sixteen years of age, and women, in unhealthful and dangerous work.

11th. The obligation of the employer to indemnify the worker when he may be retired without justified cause, in a sum equivalent to one month of pay or wage for each year of continuous work, and if the services do not extend to one year, in a form proportional to the months worked, deducting for the first two months which shall be accounted a trial period. The employer is obliged to indemnify, in the same form, the worker or employee who is retired from service by the lack of honesty of the employer or by receiving from him bad treatment that diminishes his dignity as a man. The employer may not be excused from this responsibility when the bad treatment originates with dependents or servants who act with the consent or the tolerance of the former. The worker may not be dismissed for his participation in a legal strike or for having represented workmen in any conflict.

12th. Regulation of contracts of apprenticeship and enlistment, as well as the conditions to which certain kinds of labor are subject, such as that given in the domicile and by domestics.

13th. Benefits that belong to workers, and the cases and terms in which they must receive them.

14th. The means of assistance and of social welfare necessary for workers.

15th. The conditions of safety and hygiene in which work shall be undertaken. Regulations and provisions for hygiene and health shall be strictly observed in working establishments. Employers are obliged to adopt proper measures to protect their workers against accidents in the use of machinery, instruments, and materials of labor.

16th. The obligation that enterprises situated outside of centers of population have for providing their workers and the families of the latter with adequate dwellings, schools, hospitals, and other indispensable services and attentions for their physical and moral well-being. To establish this obligation, attention shall be paid to the importance of the enterprise and to what is provided by the law.

ART. 59. Contract labor debts may not exceed an amount equivalent to the wage for the number of days stipulated by law. Any excess over that sum that the worker receives may not be demanded.

ART. 60. In occupational accidents and illnesses that workers suffer by reason of their work or in the exercise of it, or in consequence of their profession, the managers shall be responsible, except in the cases of the manifest intention of the victim, superior force foreign to the work, accidents occurring to workers performing labor for the account of the employer in his private residence, and accidents due to a proved state of intoxication of the victim. This responsibility shall exist even in a case in which the employer contracts for the work through an intermediary. The corresponding indemnification shall be graduated in the law, according to whether death or any incapacity may be occasioned as a consequence.

ART. 61. Union associations must, before beginning their activities, obtain authorization from the appropriate authority. The inscription determines the juridical personality of unions.

The directive committees and consultative bodies of these associations must be composed exclusively of native-born Guatemalans.

It is prohibited to aliens to intervene in questions related to organizations of workers.

ART. 62. The State shall watch over and inspect enterprises with the purpose of making legal precepts effective in social matters.

ART. 63. Obligatory social insurance is established. The law shall regulate its scope, extent, and the form in which it must be put in force. It shall include, at the least, insurance against invalidity, old age, death, illness, and industrial accidents. Employers, workers, and the State shall contribute to the payment of the premium for the insurance.

ART. 64. Conflicts relative to labor are submitted to private jurisdiction. Tribunals of labor are subordinate to the judicial branch; the law determines their number and organization.

ART. 65. The State shall promote the technical preparation of workers and the improvement of their economic and cultural level.

ART. 66. The formation of co-operative enterprises has the support of the State and, in particular, consumers' co-operatives in centers of labor. Mutual-ity is recognized as a principle and the practice of living together socially. The State will develop agricultural and rural credit, giving efficient support to agricultural and stock-raising activity, and will protect the industrialization of agricultural products. It will be stimulated, likewise, by maintaining workers in the fields.

ART. 67. Construction of cheap housing and districts for workers shall be developed.

The public administration will enact measures such that the dwellings of indigenous workers on rural properties shall form villages within the property itself, with the object that the workers may enjoy the cultural and sanitary benefits of urban centers.

ART. 68. Official obligatory organization is established for the exercise of university-trained professions, under the direction of the university. A law shall provide whatever relates to this matter.

ART. 69. Rights and benefits that this section establishes are irrenounceable, and their enumeration does not exclude others, derived from the high principles of social justice, that the law may designate.

SECOND SECTION

Public Employment

ART. 70. The law shall establish a statute for public employment, on the principle that officials and public employees are in the service of the Nation and not of any political party. The statute shall determine especially the conditions of entrance into the administration; the rules for promotion; the guarantees of permanence, severance, suspension, or transfer; the duties of officials and employees; recourses against actions that may affect them; and the forms of their association. The law shall determine in what cases and under what conditions the right of strike by public employees is recognized.

Officials and public employees have the right to the benefits recognized for workers in general, and their individual relations with the State as employer shall be governed in accordance with what is provided in the section on labor in this Constitution, in regard to what may be applicable.

No person may at the same time discharge two or more remunerated public offices or positions, except physicians who lend their services in hospitals and who exercise teaching positions.

ART. 71. Public services and civil institutions may not be militarized, except in cases of manifest national calamity or of mobilization by reason of war, and only for the time that these may continue.

THIRD SECTION

Family

ART. 72. The family, maternity, and matrimony have the protection of the State, which shall, in an especial manner, watch out for the strict fulfillment of the obligations derived from them.

ART. 73. The family patrimony is the object of special protective legislation.

ART. 74. The State shall promote the organization of the family on the juridical basis of matrimony, which shall rest upon the absolute equality of rights of both husband and wife.

The law shall determine the cases in which, for reasons of justice, a union between persons with legal capacity to contract matrimony must be compared, by its stability and peculiar features, to civil matrimony.

ART. 75. Adoption is instituted for the benefit of minors. The law shall regulate this matter.

ART. 76. Legal inequalities among children are not recognized; all, including those adopted, have the same rights.

Qualifications on the nature of filiation are abolished. No declaration shall designate any differentiation among births, or the civil status of the parents, or any act, attestation, or certification referring to filiation.

The law shall determine the form of investigating filiation.

ART. 77. It is the duty of the State to see to the physical, mental, and moral health of infancy, creating the necessary and adequate institutions and agencies.

Laws for the protection of infancy are of a public nature, and official establishments intended for such a purpose have the character of centers of social welfare and not of charity.

ART. 78. Fathers of poor families, with six or more minor children, shall receive especial protection from the State. In circumstances of equal competence, they shall enjoy preference in the discharge of public positions.

FOURTH SECTION

Culture

ART. 79. The development and dissemination of culture, in all its manifestations, constitute a primary obligation of the State.

ART. 80. The cardinal function of education is to conserve and advance universal culture, promoting the ethnic improvement and increasing the spiritual patrimony of the Nation. Education must simultaneously embrace the protection of bodily health, civic and moral formation, instruction, and the undertaking of activities of a practical nature.

It is the function of the teaching profession to preserve and intensify the innate dignity of person of children and youths, and of the State to dignify the teacher economically, socially, and culturally.

ART. 81. There shall be a minimum of common instruction, obligatory for all inhabitants of the country, within the limits of age and conforming to the plans and programs fixed by the respective law.

Education in official schools is laic, and the minimum of common instruction referred to in the preceding paragraph must, moreover, be given gratuitously.

Private centers of instruction are subject to inspection by the State and, for the legal validity of the studies they give, must obtain express authorization and satisfy the official plans and programs.

The licensing of teachers is a preferential function of the State.

No other degrees or diplomas of studies are officially recognized than those granted by the State and by the University of San Carlos of Guatemala, as well as those obtained in foreign universities and schools by persons who satisfy the requirements of incorporation fixed by law, except for what is established in international treaties.

Degrees granted by Central American universities and schools shall have official validity in the Republic when plans and programs of studies are unified.

ART. 82. The following are declared to be of social utility: the campaign for national literacy; the free offering of the minimum of official common, agricultural, industrial, artistic, and normal instruction; the creation of scholarships for cultural and technical improvement and specialization; the establishment of prevocational and polytechnic institutes, popular and school libraries, periodical rooms, and other cultural centers, and the increase of recreation and physical culture.

The State must make efforts to assist economically needy Guatemalans, in order that they may have access to all grades of instruction, paying attention only to vocation and aptitude.

Proprietors of rural properties, factories, and other large enterprises are obliged to endow and sustain schools for the rural and working school population of their properties, the organization, designation of personnel, and inspection of the same belonging to the State.

ART. 83. The development of an integrated policy for the economic, social, and cultural improvement of indigenous groups is declared to be of national utility and interest. Special laws, regulations, and provisions may be enacted for this purpose, contemplating their needs, conditions, practices, uses, and customs.

ART. 84. The University of San Carlos of Guatemala is autonomous and is governed in accordance with the respective law and its statutes. The State will contribute to assure and increase the University patrimony and will

annually designate in the budget the item intended for the support of the University.

ART. 85. The State guarantees freedom of educational judgment.

ART. 86. All of the artistic, historical, and religious wealth of the country, whoever may be its owner, is part of the cultural treasure of the Nation and is under the guardianship and protection of the State. Its exportation is prohibited and its alienation or transformation may be prevented when the native interest so demands. The State will organize a registry of artistic, historic, and religious wealth, assuring its custody and paying attention to its perfect preservation. The State must also protect places and monuments notable for their natural beauty or recognized artistic or historic value.

ART. 87. Popular arts and industries are elements of the national culture and enjoy especial protection, looking toward conserving their artistic authenticity and improving their production and distribution.

TITLE IV

Economic and Financial System

ART. 88. The State will orient the national economy for the benefit of the people, for the purpose of assuring to each individual a dignified existence and profitable to the community.

It is a primary function of the State to encourage agricultural and stock-raising activities and industry in general, endeavoring that the fruits of labor may preferentially benefit its producers and wealth extend to the greatest number of inhabitants of the Republic.

ART. 89. Properties of the Nation are:

1st. Those of the public domain.

2nd. Waters of the maritime zone that gird the coasts of the Republic; the shores of navigable lakes and rivers; navigable or passable rivers and lakes; rivers of any kind that serve as boundaries of the Republic; and waterfalls of industrial utilization, in the form that the law determines, which shall, likewise, establish the extent and conditions of ownership over all of those properties.

3rd. Those that constitute the patrimony of the State and of the municipality.

4th. The maritime-terrestrial zone of the borders of the Republic, to the extent fixed by law.

5th. The atmosphere and stratosphere situated above the national territory. Their transit and utilization are regulated by law and international treaties.

6th. Fiscal and municipal revenues, original and of public law.

7th. The subsoil of the Nation; deposits of hydrocarbons and minerals, as well as all organic and inorganic substances that the law determines; and

8th. All other properties existing in the national territory, indicated by the laws, or that may not be of private ownership, individual or collective.

ART. 90. The State recognizes the existence of private property and guarantees it as a social function, without further limitations than those determined by law, for reasons of public necessity or utility or of national interest.

ART. 91. Latifundia are prohibited. The law passes upon them and designates the measures necessary for their division. Existing latifundia may not for any reason be extended, and, until their recovery is obtained for the benefit of the community, they shall be the object of charges in the form that the law determines.

The State will endeavor to see that the land is reincorporated in the national patrimony.

Only Guatemalans referred to by Article 6 of this Constitution, societies whose members have this status, and national banks may be proprietors of real property within a zone of fifteen kilometers in width along the frontiers and coasts. Urban areas included within the indicated zones, in which aliens may have acquired property, with previous administrative authorization, are excepted.

ART. 92. Expropriation of private property may be ordered, with prior indemnification, for legally proved reasons of public utility or necessity or social interest. In case of invasion or attack against the national territory or grave disturbance of domestic order, it is not necessary that the indemnification be previous. Enemy property may be an object of intervention by reason of war, and if it should be expropriated, payment of the indemnification is reserved until the war is concluded. A law shall determine the procedure of expropriation.

Property may not be restricted in any form by reason of political offense. Confiscation of possessions is prohibited.

ART. 93. The direct dominion of the State over its property is inalienable and imprescriptible. A surplus of private property, rights acquired for purposes of registration, and personal property, fees, and shares are excepted.

The State may, on the conditions determined by the law, grant, for the purposes of those who may work it, *dominium utile* over its rural real property, preferably to collectives, and, in their absence, to families, to non-stock societies—except those organized and participated in by the State—, to individual Guatemalans, or to immigrants contracted by the Government.

The State may, for reasons of public necessity or utility or social interest, transfer its urban properties or exchange small rural lots to the extent indicated by law.

ART. 94. The State will provide to collectives and agricultural co-operatives technical instruction, administrative direction, machinery, and capital.

ART. 95. Contracts to exploit minerals or deposits of hydrocarbons may be negotiated for a term that shall not exceed fifty years, and those related to

the national waters for a term not greater than twenty-five years. The approval of the Congress is required in both cases.

Deposits of hydrocarbons and their derivatives may be exploited only by the State, by Guatemalans, or by Guatemalan companies the capital of which is predominantly national.

Contracts for the cutting of woods must be let at public auction and preference must be granted to Guatemalan workers, who may not yield their rights without administrative authorization. The law shall determine the form of the extraction and exploitation of resins, gums, and other similar products.

ART. 96. Lands held in common and those of communities specified by law are inalienable, imprescriptible, not subject to expropriation, and indivisible. The State shall give preferential aid for the purpose of organizing labor in them in a co-operative form, in conformity with what is provided in Article 94, and must grant lands, furthermore, to communities that lack them.

ART. 97. Freedom of industry, of commerce, and of labor in general is recognized, except for the limitations that the law may impose for economic, fiscal, or social reasons of national interest.

An author or inventor enjoys the exclusive ownership of his work or invention for a time that does not exceed fifteen years. Literary or artistic property is governed by what is determined by the law and treaties. The law will provide what is necessary for the greatest efficacy and stimulation of labor and the increase of production.

ART. 98. The Executive alone may grant concessions for a term that shall not exceed ten years to those who may introduce or establish new industries in the Republic; but not with the character of prohibiting analogous or similar industries.

The State may negotiate contracts for the establishment of public services of great utility that may require the investment of large capital, and may grant, in such cases, concessions for a term not greater than fifty years. Contracts and concessions to which this article refers must be approved by the Congress. A new concession may in no case modify the term and the other conditions stipulated in a previous concession, even though the second may be an extension of the first.

Monopolies and privileges are prohibited.

ART. 99. The State shall prohibit the creation or shall limit the functioning of enterprises that absorb or tend to absorb, to the injury of the national economy, the production of one or more industrial branches or of a determined commercial activity. A law shall determine that which relates to this matter.

ART. 100. The establishment of co-operative societies of production, as well as legislation that organizes and encourages them, is declared of urgent social utility.

ART. 101. The form and conditions of the reversion, revision, and renegot-

tiation of administrative concessions and contracts shall be determined by law.

ART. 102. It shall be stipulated in every concession that the State or the municipality grant or contract that they negotiate for the establishment of works and services of public utility, that these works or services shall pass, after a certain time that may not be greater than fifty years has elapsed, or on the maturity of the contract, to the ownership of the State or of the municipality, in perfect condition of service, without any indemnification.

TITLE V

Legislative

CHAPTER I

Congress

ART. 103. The legislative power resides in the people who, by means of the electoral body, delegate it to the Congress.

ART. 104. The Congress is assembled each year, without the necessity of a call, on March 1st and September 1st. Its regular sessions continue two months and may be prorogued one month further in each term.

ART. 105. It shall meet in extraordinary session when it may be convened by the Executive or by the permanent committee, and in these cases it may be occupied only with those matters that have been the object of the call. Nevertheless, the Congress, on being assembled in extraordinary session, may, with the vote of two-thirds of the total of Deputies, amplify the object of the call, including other matters over which it deems it proper to assume jurisdiction.

Fifteen or more Deputies may ask the President of the Republic or the permanent committee for the convening of the Congress, for sufficient reasons of suitability or public necessity.

ART. 106. All actions of the Congress must be taken with the concurrence of an absolute majority of the members of which it is composed, except in the cases in which the law requires a special majority. The meeting of fifteen Deputies shall be sufficient, however, for the opening and closing of its sessions, for the certification of credentials, and for the enacting of measures leading to the taking possession of office by those elected and providing that there may always be a quorum of the Congress.

ART. 107. Deputies, from the day of their election, shall enjoy the following prerogatives:

1st. Personal immunity from being accused or tried, if the Congress does not previously authorize the trial, declaring that there are grounds for it; but in case of crime *in flagrante delicto*, they may be apprehended.

2nd. Irresponsibility for all their opinions, for their parliamentary initiative,

and for the manner of dealing with the business of the discharge of their offices, except for the case of maneuvers to injure the principle of alternability in power. These prerogatives do not authorize arbitrariness or excesses of personal initiative by the representatives.

ART. 108. The declaration to which the first clause of the preceding article refers having been made, the accused shall be submitted to a competent judge and, if he should sentence them to provisional imprisonment, they shall be suspended from their legislative functions, which may not be exercised except in case of being acquitted. If they should be convicted, the seats shall be vacant and it shall be ordered to proceed to new elections.

ART. 109. If the Congress should not be assembled, the permanent committee shall declare whether or not there are grounds for proceeding against the Deputies.

ART. 110. If any Deputy should be apprehended *in flagrante delicto* he shall be placed without delay at the disposal of the Congress, or, if it is not assembled, of the permanent committee.

ART. 111. The Congress is composed of Deputies elected in conformity with what is provided in the Constitution and in the electoral law. One representative shall be elected for every 50,000 inhabitants or fraction that exceeds 25,000. If any Department of the Republic cannot be represented in conformity with the preceding rule, it shall, nevertheless, have the right to elect one Deputy. The Deputies represent the people and not those who elected them; the latter may not give or the Deputies accept an imperative and obligatory mandate.

ART. 112. To be elected Deputy it is necessary to have the status of native-born Guatemalan, to be in exercise of the rights of citizenship, to be of secular status, and more than twenty-one years of age.

ART. 113. The following may not be Deputies:

1st. Officials and employees of the executive and judicial branches and of the tribunal and office of accounts. Those who exercise teaching functions and physicians who give services in hospitals are excepted.

2nd. Contractors of public works or enterprises who are paid with funds of the State or of the municipality, their bondsmen, and those who, as a result of such works or enterprises, may have pending claims of personal interest.

3rd. Relatives of the President of the Republic and those of the chief of the armed forces, within the fourth degree of consanguinity or second of affinity.

4th. Those who may have administered or collected public funds and who have not obtained a record of solvency.

5th. Those who represent the interests of companies or individual persons who operate public services, or their attorneys; and

6th. Soldiers in active service.

If any Deputy should turn out to be included in any of the prohibitions contained in this article, his post shall be considered vacant; but if he should

be among those included in the first clause, he may choose between continuing to discharge his employment or the office of Deputy. The election of a Deputy that devolves upon the person of a governor, an administrator of revenues, or a judge of first instance, is null, for the electoral district or Department in which he exercises his functions.

The discharge of temporary or special diplomatic missions or representation of Guatemala in international congresses is compatible with the office of Deputy.

ART. 114. Deputies shall continue four years in the exercise of their functions, and may not be re-elected for the following legislative term. The Congress shall be renewed by half each two years.

CHAPTER II

Powers and Limitations of the Congress

ART. 115. Powers and limitations of the Congress are:

- 1st. To open and close regular and extraordinary sessions.
- 2nd. To conduct the scrutiny of votes for President of the Republic and to proclaim popularly elected the citizen who has obtained an absolute majority of votes.
- 3rd. To elect the President from the two candidates who have obtained the greatest number of votes, in the case in which there is no popular election for lack of an absolute majority of votes.
- 4th. To receive the legal oath from the President of the Republic and to give him possession of office.
- 5th. To accept or refuse a resignation presented by the President of the Republic, who, in such case, must appear before the Congress to confirm his resignation before at least two-thirds of its members, assembled in the hall of sessions.
- 6th. To grant or refuse permission to the President of the Republic in order that he may be absent from the national territory or may be separated temporarily from the functions of his office.
- 7th. To grant or refuse permission to the president of the Congress or to the vice-president, in his turn, in order that they may be absent from the national territory.
- 8th. To appoint, by an absolute majority of the number of Deputies who compose the Congress: the president of the judicial branch, Magistrates of the Supreme Court of Justice and those of administrative litigation, magistrates and prosecutors of the court of appeals, the Attorney General of the Nation and his substitute, and any other members of the tribunals of justice or autonomous agencies whose appointment belongs to the Congress.
- 9th. To give possession of their offices to members of the judicial branch appointed by the Council, and to remove them in cases of notorious bad con-

duct, negligence, or ineptitude duly proved in accordance with the law. To remove for the same reasons members of the tribunal of administrative litigation and all other officials appointed by the Congress.

10th. To accept or refuse resignations of members of the judicial branch and of all other officials appointed by the Congress, and to choose the persons who must substitute for them to complete the constitutional term by acceptance of the resignation, removal, or permanent absence of such officials; and

11th. To disavow, obligatorily, a President of the Republic who, having completed his constitutional term, continues in the exercise of the office. In such case, the chief of the armed forces shall change automatically to be dependent upon the Congress, which shall be declared in permanent session until the restoration of the constitutional order.

For the purposes of this article, the chief of the armed forces shall take, in the first sessions of March of each year, for himself and in representation of the army, an oath to obey the Congress and to be faithful to the principle of alternability in the presidency of the Republic.

ART. 116. It is also a power of the Congress to declare whether or not there are grounds for proceeding against the President of the Republic, the presidents of the legislative and judicial branches, Ministers of State, Magistrates of the Supreme Court of Justice and of the tribunal of accounts, the Attorney General of the Nation, the chief of the armed forces, and Deputies. Every action in this respect must be taken by the vote of two-thirds of the total number of Deputies of the Congress.

ART. 117. The Congress has the function to declare the physical or mental incapacity of the President of the Republic for the exercise of his office, a declaration that must be made by the vote of at least two-thirds of the total number of Deputies, and with a previous opinion confirmed by a committee of five physicians appointed by the university council at the request of the Congress.

ART. 118. It is also a power and obligation of the Congress to call elections for the President of the Republic, in their last sessions of the year in which the presidential term ends, and with an anticipation of not less than four months of the date of the expiration of the said term; so that the Congress may opportunely examine the records of the elections and make the corresponding declaration.

If, for any circumstance, the Congress cannot be convened, the latest permanent committee that has been appointed shall make it, also in obligatory form.

In the case of Article 135, if the person who provisionally exercises the presidency of the Republic does not call elections for President within the period fixed in said article, the Congress must issue the call, and, if it should not be assembled, or for any other reason cannot comply with this mandate, the latest appointed permanent committee shall issue it.

ART. 119. The powers of the Congress, and the limitations to which it is subject, are:

1st. To enact, interpret, amend, and repeal laws. No law may be contrary to the provisions of the Constitution.

2nd. To modify or approve, before the closing of the first term of the regular sessions, the budget bill presented by the Executive through the Minister of Finance. Modifications may be total, by section, or by items.

3rd. To enact ordinary taxes and imposts, and extraordinary ones when necessity requires it, determining the bases for their collection.

4th. To approve or disapprove, annually, in whole or in part, the detailed and supported account of all of the revenues and all of the expenditures of the public administration during the preceding fiscal year, including the balance of said account, that the Executive must present to it in the first fifteen days of the first regular period of sessions.

5th. To receive, in the first period of their regular sessions, the report rendered by the tribunal and office of accounts.

6th. To contract, convert, and consolidate the public debt; to this effect, the Congress shall, in each case, authorize the Executive that he may negotiate loans in the country or abroad, or may effect operations of consolidation or of conversion, on the bases that have been previously approved. The decree shall indicate the amount of the operation that is to be effected, the type or class of the same, its object, the maximum rate of interest, and, as the case may be, the premium for refunding, the price of emission of the bonds, and any other conditions that may be agreed upon. To guarantee the payment of all or part of any public debt with the revenues of the Nation, it shall be necessary that the Congress decree it, indicating what revenues are affected and in what proportion. In order for any of the operations to which this clause refers to be understood as approved or authorized, the favorable vote of two-thirds part of the total of Deputies who compose the Congress shall be necessary.

7th. To examine claims against the public treasury, for credits not recognized, when they are not the object of judicial jurisdiction or that of administrative litigation, and, if they may be accepted, to designate funds for their amortization.

8th. To fix the fineness, weight, type, and denomination of money, as well as the system of weights and measures.

9th. To approve or disapprove, before their ratification, treaties and conventions that the Executive may negotiate. The favorable vote of two-thirds part of the total number of Deputies that compose the Congress is required for approval. No treaty, convention, pact, or agreement that affects the integrity, sovereignty, or independence of the Republic, or that may be contrary to the Constitution, may be approved, except those that refer to the complete or partial restoration of the federation of Central America. In order to submit any

questions relative to the boundaries of the Nation to arbitration, the favorable vote of two-thirds part of the total number of Deputies that compose the Congress is required, it being necessary that the decree express the bases of the arbitration and expound the matters that may be the purpose of the same. All agreements for the passage of foreign armies through national territory, or for the use of military bases in case of war, must be approved by the favorable vote of two-thirds part of the total number of Deputies that compose the Congress.

10th. To decree public honors for great services rendered the Nation, which in no case may be attributed to the President of the Republic in the term of his government, or to any other official in office.

At least twenty-five years having elapsed after the death of a person, monuments to his memory may be decreed and erected.

11th. To decree the adoption or substitution of the national flag, coat-of-arms, and hymn.

12th. To approve or disapprove, by an absolute majority of the total number of Deputies, necessarily in the immediate sessions, the acts and contracts carried to termination by the Executive, in conformity with the first paragraph of Article 98 of this Constitution.

13th. To approve or disapprove, by the vote of two-thirds part of the total of Deputies, concessions and contracts to which the second paragraph of Article 98 refers, as well as those that the Executive may have carried to termination in the exercise of the authorization conferred in accordance with the sixth and sixteenth clauses of this article, and contracts relative to the coining of money, the emission of paper money, public services, colonization, immigration, and irrigation; those that may be negotiated for the exploitation of deposits of hydrocarbons and their derivatives, and others to which the first two paragraphs of Article 95 refer. Contracts and concessions mentioned in this clause and the preceding one may not enter into force without the previous approval of the Congress.

14th. To declare war and approve or disapprove treaties of peace.

15th. To decree amnesty, when public convenience may require it.

16th. To authorize the Executive to negotiate contracts that involve expenditures not budgeted or that do not belong to their own administrative functions, it being necessary to indicate in the first case the funds that shall serve to cover them. This authorization must be decreed by two-thirds part of the total number of Deputies that compose the Congress.

17th. To confer or withhold the rank of brigadier general and that of division, in accordance with what is prescribed by Article 159 of this Constitution.

18th. The other powers and limitations that this Constitution indicates.

ART. 120. It is likewise the function of the Congress:

1st. To elect the president, vice-presidents, secretaries, and other officials who compose the directive board, at the opening of the first period of regular

sessions, in conformity with the by-laws. The president and the vice-presidents must be among those Guatemalans comprehended by Article 6 of this Constitution.

2nd. To certify the elections of their respective members, and to approve or disapprove their credentials.

3rd. To accept or reject resignations that Deputies may present, and to arrange to proceed to new elections to fill the vacancies that may occur for that or other reasons.

4th. To enact and decree the rules for its internal organization; and

5th. To cause absent Deputies to attend and to discipline the misbehavior or neglect of those present.

CHAPTER III

Formation and Sanction of the Law

ART. 121. Deputies, and the Executive, by means of the Minister to whose office the material of the bill belongs, have the right of initiative in the formation of the laws. The Supreme Court of Justice shall have the initiative in matters within its competence.

ART. 122. The power of legislation that belongs to the Congress cannot be delegated.

ART. 123. A bill being presented and admitted, it shall be placed in discussion in three different sessions, held on distinct days, and shall not be voted upon until it has been sufficiently discussed in the third session. Those cases are excepted that the Congress may declare of national urgency by a vote of two-thirds part of the total of Deputies. That which is prescribed in the by-laws shall be observed in all other operations and procedures.

ART. 124. A bill being approved, it shall pass to the Executive for his sanction and promulgation. The President may, within the ten days after receiving the bill, and with prior advice taken among the Council of Ministers, return it to the Congress with the objections that he considers opportune. The Congress may reconsider the bill or leave it for the sessions of the following period if it does not accept the objections made by the Executive. In the latter case, if the Congress should ratify the bill by a vote of two-thirds part of the Deputies who compose it, the Executive must sanction and promulgate the law.

ART. 125. If the Executive should not return the bill within the period of ten days, counted from that on which it was sent, it shall be sanctioned and must be promulgated as law within the eight days following. In the case in which the Congress closes its sessions before the end of the ten days in which the return may be made, the Executive must remit the bill within the first eight days of regular sessions of the next term.

ART. 126. Measures of the Congress relative to its internal organization, to

the certification of elections and the resignations of those elected, to the declaration of whether or not there are grounds for proceeding against the public officials stipulated in Articles 107 and 116, and to other provisions designated in Articles 115 and 120, do not need the sanction of the Executive.

CHAPTER IV

Permanent Committee

ART. 127. The Congress, before closing each period of regular sessions, shall appoint a permanent committee composed of nine members, which shall function during its recess. Of these, eight shall be elected and the president of the Congress shall complete it and preside over it. Three substitutes shall be elected to fill cases of absence among the titular members.

ART. 128. The permanent committee shall be assembled when it may be convened by the one who presides over it, or when the majority of its members so agree.

Powers of the permanent committee are:

1st. To declare whether or not there are grounds for proceeding against the officials to whom Articles 107 and 116 refer, with the exception of the president of the Congress, the President of the Republic, and the president of the judicial branch, with respect to whom only the Congress may make said declaration.

2nd. To transact business that may have been left pending in the Congress.

3rd. To convene the Congress in extraordinary session when the national interests require it and two-thirds part of the members of the committee agree to it.

4th. To present a detailed report to the Congress of the work that it carries to a conclusion.

5th. To call elections during the recess in order to fill vacancies that may occur by the death of any Deputy or the acceptance of public offices with which there may be incompatibility; and

6th. Others that the Constitution expressly indicates.

TITLE VI

Executive

CHAPTER I

President of the Republic

ART. 129. The executive functions of the State are deposited, for their exercise, with a citizen with the title of President of the Republic, who shall act with his Ministers individually or in Council.

ART. 130. To be elected President it is necessary:

1st. To be a Guatemalan among those included in Article 6 of the Constitution.

2nd. To be more than thirty-five years of age.

3rd. To be in enjoyment of the rights of citizenship; and

4th. To be of secular status.

ART. 131. The following may not be elected to the office of President of the Republic:

1st. The leader or any of the chiefs of a *coup d'état*, an armed revolution, or any similar movement, or their relatives within the fourth degree of consanguinity or the second of affinity, for the term in which the constitutional regime was interrupted and the following.

2nd. Anyone who may have been a Minister of State or may have held high military command in the *de facto* government that altered the constitutional regime, or their relatives within the fourth degree of consanguinity or the second of affinity, for the terms referred to in the preceding clause.

3rd. The person who exercised the presidency at the holding of the election for the said office, or who may have exercised it in the preceding year or part of it.

4th. Relatives within the fourth degree of consanguinity or the second of affinity of the President, the one provisionally in charge of the presidency, and the chief of the armed forces.

5th. Ministers of State and secretaries of the presidency who may exercise the office at the holding of the election or who may have exercised it in the previous six months or part of them.

6th. Members of the armed force in active service, or those who may have been during the six months, or part of them, preceding the day of the election.

ART. 132. The presidential term is six years and cannot be prorogued, and one who has exercised the presidency may not be re-elected except after twelve years from having ceased in the exercise of it.

ART. 133. The author or authors of a proposal that tends in any form to vitiate the principle of alternability in the presidency of the Republic, and any person, official, or employee who co-operates, directly or indirectly, for such a purpose, whatever may be the motives that are invoked and the means that are employed, commit the crime of treason to the Fatherland, cease in the discharge of their respective offices, and, as the case may be, remain permanently disqualified for the exercise of any public function and automatically lose, furthermore, all their ranks.

Responsibility for acts that violate or restrict or tend to violate or restrict the principle of alternability in the office of President of the Republic is imprescriptible.

ART. 134. The President, on taking possession of his office, shall publicly take a solemn oath before the Congress, as follows: "I swear to discharge the office of President with loyalty; to observe the Constitution and cause it to

be observed; and I promise, on my honor, the unrestricted fulfillment of the principle of alternability in the exercise of the presidency of the Republic."

ART. 135. In case of the permanent absence of the President of the Republic, the president of the Congress shall take immediate possession of the office, and, in the absence of the latter, or if he does not possess the qualifications that this Constitution requires, the vice-presidents of the same, in their order.

If the vice-presidents of the Congress do not possess the qualifications or if they may have constitutional encumbrances for the exercise of the presidency of the Republic, the president of the judicial branch shall enter into the exercise of the office.

The successor must, within the eight days following that of the permanent vacancy, call elections, which shall be held within a period not less than two months nor more than four, counted from the date of the call. The election effected, the Congress must, within twenty days, make the declaration referred to in the second clause of Article 115, and the citizen elected shall immediately take possession of the office, his term being computed from the following March 15th.

The provisional successor shall cease automatically in the functions that he was discharging within the legislative or judicial branch, for the time that he provisionally assumes the presidency of the Republic.

ART. 136. In case of the temporary absence of the President of the Republic, the same order of succession established in the preceding article shall be observed.

ART. 137. Functions of the President of the Republic are:

1st. To comply with the Constitution and the laws of the Republic and to cause them to be complied with.

2nd. To sanction and promulgate the laws, to execute them and cause them to be executed; to enact regulations, resolutions, and orders for the proper fulfillment of the same, without altering their spirit, and the decrees for the emission of which this Constitution authorizes him in express manner.

3rd. To provide for the defense of the national territory and the preservation of public order.

4th. To convene the Congress in extraordinary session.

5th. To present annually to the Congress, by means of the Minister of Finance, the budget bill.

6th. To submit to the approval of the Congress, before their ratification, the treaties that he may have negotiated.

7th. To participate in the formation of the laws, presenting bills to the Congress by means of the Ministers, and exercising the right of veto, except in the cases in which the provisions of the Congress do not need the sanction of the Executive, in conformity with this Constitution.

8th. To give the aid necessary for the strict fulfillment and the immediate execution of the decisions of the tribunals of justice.

9th. To commute a penalty that may be greater in the scale of penalties to the one immediately below, and to grant pardons for political crimes and related common crimes.

10th. To appoint and remove Ministers of State.

11th. To appoint and remove, for the discharge of the other offices instituted by law, the appropriate officials and employees the designation of whom is not attributed to other authorities.

12th. To appoint and remove diplomatic representatives and officials of the consular body. The representatives, the consuls general, and those of career must be native-born Guatemalans.

13th. To receive diplomatic representatives and to issue and withdraw the exequatur to the patents of consuls.

14th. To direct, develop, inspect, and intensify public education; to combat illiteracy; and to procure the diffusion and improvement of agricultural, industrial, and technical instruction in general.

15th. To create and maintain the suitable institutions or offices that shall concentrate their attention on indigenous problems and guarantee in an effective manner the employment of the services of the Government in favor of the resolution of those problems.

16th. To watch over the conservation and development of the natural resources of the Nation.

17th. To administer public finances, in accordance with the law.

18th. To exercise vigilance and control, in conformity with the law, over banks of emission and other credit establishments.

19th. To exercise inspection and vigilance over institutions of common utility, in order that their revenues may be conserved and may be properly applied.

20th. To grant superannuations, pensions, and gratuity funds, in conformity with the law.

21st. To confer decorations on Guatemalans and foreigners, by agreement taken in Council of Ministers.

22nd. To watch out for the sanitation of the territory of the Republic, paying especial attention to endemic and epidemic diseases, and improving the hygienic conditions of rural and urban dwellings.

23rd. To remit the fines that may be incurred by taxpayers for not paying taxes within the legal periods, or for acts of omission or commission of an administrative nature.

24th. To present annually to the Congress, in the first sessions of March, a written report with regard to the course and the state of business of the public administration during the preceding year.

25th. Other powers that this Constitution indicates and those properly administered as determined by law.

Art. 138. In case of the invasion of the national territory, of grave disturb-

ance of the peace, of epidemic, or of any other general calamity, the President of the Republic may, in agreement with the Council of Ministers, and by means of a decree, restrict the exercise of the guarantees mentioned in Article 54 of this Constitution. The decree shall specify:

- 1st. The motives that justify it.
- 2nd. The guarantee or guarantees that are restricted.
- 3rd. The territory that the restriction affects; and
- 4th. The time that it continues.

The Congress, furthermore, shall be convened by the same decree in order that it may, within the period of three days, take cognizance of said law, ratify it, modify it, or disapprove it. In case it should be assembled, it shall immediately take cognizance of the decree. The restriction of guarantees may not exceed a period of thirty days for each time that it may be decreed. If, before the term indicated by the restriction expires, the causes that motivated the decree should have disappeared, it shall cease in its operation, and in such case every citizen has the right to urge its revision. The term of thirty days having expired, the guarantees are automatically re-established, unless a new decree of restriction should have been enacted. The restriction of guarantees shall in no manner affect the functioning of the organs of the State, the members of which always enjoy the immunities and prerogatives recognized by law.

The law of public order shall govern, during the restriction, for the territory to which it is applied.

ART. 139. The President of the Republic is responsible to the Congress for his acts, in the cases and in the form that the law of responsibility determines.

CHAPTER II

Ministers of State

ART. 140. To be a Minister of State it is necessary:

- 1st. To be a Guatemalan among those included in Article 6 of the Constitution.
- 2nd. To be in enjoyment of the rights of citizenship.
- 3rd. To be more than thirty years of age and of secular status.

The following may not be Ministers: relatives of the President of the Republic, of the president or vice-presidents of the Congress, or of the chief of the armed forces, within the fourth degree of consanguinity or the second of affinity; those who may have administered or collected public funds, while they do not have a record of the solvency of their accounts; contractors of public works and enterprises paid with funds of the State or of the municipality, their bondsmen, and those who, as a result of such works or enterprises, may have pending claims of personal interest.

The Ministers may not exercise power of attorney for companies of any

kind or represent the interests of the same; nor may they exercise authority for persons or enterprises contracting for public work or services.

ART. 141. Each Minister shall have one or more Subsecretaries, who shall substitute for him, in their order, in cases of temporary absence or vacancy.

ART. 142. The President of the Republic shall convene and preside over the Council of Ministers. All actions of the Council shall be taken by a majority and, in case of a tie, the President has a double vote. The Council is assembled, on the initiative of the President, to take action in all matters that it deems of national importance, and to take cognizance over the cases indicated by law.

ART. 143. The Ministers in their respective branches shall countersign the signature of the President of the Republic in all measures that the said official undertakes, without which they shall not be valid and consequently shall not have legal effect. The responsibility of the Ministers is joint with that of the President for all acts that they may authorize with their signatures.

ART. 144. The Ministers must present annually to the Congress, in the first ten days of March, a report of the work accomplished in their respective departments.

ART. 145. Ministers may appear before the Congress with power to take part in the debates, but without a vote. They have the obligation of being present in the Congress to answer interpellations that may be formulated for them with regard to any act of government, except those that refer to pending diplomatic matters or military operations. The interpellation may give occasion for a vote of lack of confidence, which must be requested by at least fifteen Deputies.

ART. 146. When the Congress issues a vote of lack of confidence with regard to a Minister, the latter shall resign; but if he should consider, in agreement with the President and in Council of Ministers, that public opinion supports his conduct, he may appeal to the Congress within a period of eight days, and in such case the ratification of the vote of lack of confidence shall require the approval of two-thirds part, as a minimum, of the Deputies that compose the Congress. The vote being ratified, the Minister must resign. The same procedure is followed in a case in which the vote of lack of confidence refers to various Ministers, whose number does not exceed three.

ART. 147. In the case of a vote of lack of confidence with regard to one or various of its members, the Council of Ministers may make common cause with him or them, proceeding then as provided in the preceding article.

ART. 148. The power to deny confidence to one or various of the Ministers may be exercised only after six months following their appointment; and in no case may it be executed within the last six months of the presidential term.

CHAPTER III

Army

ART. 149. The national army is instituted in order to defend the territorial integrity of the Nation, to maintain the fulfillment of the Constitution and the principle of alternability in the presidency of the Republic. It is non-political, essentially professional, obedient, and non-deliberative. It is organized as an institution responsible for domestic and external order and security, and is subject in all matters to the laws and military regulations. It may be called upon by the Executive to co-operate in works of communications, reforestation, and the increase of agricultural production.

ART. 150. All Guatemalans are obliged to give military service, in accordance with the law.

ART. 151. The President of the Republic is the commander-in-chief of the army, and shall impart his orders by means of the Minister of National Defense and the chief of the armed forces.

ART. 152. The chief of the armed forces shall be designated by the Congress, from a panel proposed by the superior council of national defense. He shall continue in his functions six years and may be removed by the Congress if it should be declared that there are grounds for proceeding against him, or in the cases and forms determined by the constitutive law of the army.

ART. 153. No relative of the President of the Republic, of the president of the Congress, or of the Minister of National Defense, within the fourth degree of consanguinity or the second of affinity, may be designated chief of the armed forces.

ART. 154. On taking possession of his office, and annually, in the first regular sessions of the Congress, the chief of the armed forces, for himself and in representation of the army, shall swear solemnly before the Congress the following oath: "We swear:

"That the armed forces of the Republic shall never be an instrument of arbitrariness or of oppression, and that none of their members will respect orders that imply the commission of a crime.

"That we shall defend the territorial integrity, the Constitution of the Republic, and the rights and liberties of the people.

"That we shall guarantee on our soil the dominion of democracy and shall comply with loyalty and a spirit of sacrifice with our military duties.

"That we shall defend the principles of free suffrage and non-re-election, as well as the properly enacted laws and the political and social institutions of the country; and

"That we shall maintain the army as a professional institution, dignified and entirely non-political"; and the oath to which Clause 11 of Article 115 refers.

ART. 155. The organization, direction, technical supervision, administration, and provisioning of the national army shall be exclusively in charge of the chief of the armed forces and of the Minister of National Defense.

ART. 156. The superior council of national defense is a consultative body, charged with resolving questions relative to the functioning of the army, and it shall act as a superior tribunal of the armed forces in order to try and to take jurisdiction over matters for which it may be convened by the President of the Republic, the Minister of National Defense, or the chief of the armed forces. Any member of the army may request its convening in accordance with what is stipulated in the constitutive law of the army. It is composed of the chief of the armed forces, the Minister of National Defense, the chief of the general staff of the army, the chiefs of zones or military bodies, and the number of soldiers provided by the corresponding constitutive law. In no case may the council be composed of fewer than fifteen members and its decisions must be taken in the form that the constitutive law of the army provides. The members who must compose this tribunal and who are not mentioned specifically shall be designated by a secret vote of all of the chiefs and high officers in the permanent forces.

ART. 157. Military appointments shall be made by the chief of the armed forces, through the Secretary of National Defense. When the appointment devolves upon any person who is incapacitated in accordance with the constitutive law of the army, the superior council of defense may demand its immediate nullification. Appointments of an administrative nature shall be made by the Secretary of National Defense, and those to the presidential general staff directly by the President of the Republic.

ART. 158. Promotions from second lieutenant to colonel, inclusive, shall be granted by the President of the Republic, on the proposal of the chief of the armed forces, through the Secretary of National Defense and with the approval of the superior council, on the basis of competence and when there may be a vacancy.

ART. 159. Promotions to general shall be made by the Congress on the proposal of the President of the Republic and the chief of the armed forces, through the Secretary of National Defense and with the approval of the superior council of defense. There shall not be more than five generals of division or ten brigadier generals in time of peace. To be promoted to brigadier general at least twenty years of military service are necessary, and for promotion to general of division twenty-five years. Only in case of effective worth in campaign may the time that the law details for any promotion be ignored.

ART. 160. In case of the absence or temporary vacancy on the part of the chief of the armed forces, the Minister of National Defense shall fill the position of head of the army, and in case of permanent vacancy or absence, the superior council of defense shall propose to the Congress, within the eight

days following that of the vacancy or absence, a panel of candidates for its designation. During this lapse the Minister of National Defense shall discharge the position, and, in his absence or because of incapacity in either of the cases, the chief of the general staff of the army.

ART. 161. In order to comply with what is provided in this chapter the superior council of national defense shall present to the Congress every six years, and in the first days of the month of March, the panel of candidates to which Article 152 makes reference.

TITLE VII

Justice

ART. 162. The tribunals of the Republic have in their charge the exercise of judicial functions with absolute exclusiveness.

Their actions are public, except when morality or the collective interest require privacy.

The administration of justice is gratuitous.

ART. 163. Judicial officials whom the Congress elects shall continue four years in the exercise of their offices, and they may be re-elected.

Their removal may be accomplished only in cases of crime, notorious bad conduct, or manifest incapacity.

The general budget of the Nation fixes the salaries for judicial officials and subordinate employees, and they shall be paid by the judicial treasury, an agency that shall also cover the expenses of the tribunals.

The national treasury must each month advise the judicial treasury, with sufficient anticipation, of the twelfth part of the budget that belongs to the administration of justice.

ART. 164. The tribunals of the Republic are composed of:

Ordinary jurisdiction:

The Supreme Court of Justice, which, when the public interest may require it, may have more than one chamber or a number of Magistrates that exceeds that necessary for decreeing sentences. The president of the judicial branch is also president of the Supreme Court of Justice, and he, as well as the members, is appointed by the Congress, which may also remove them.

The court of appeals, composed of chambers the number and location of which the law fixes. The president, members, and attorneys of the chambers of appeals are appointed and removed by the Congress.

Judges of first instance and minor judges, whose appointment, removal, and transfer belong to the Supreme Court of Justice.

Municipal officials shall act as minor judges in the cases that the law establishes.

Private jurisdiction:

The tribunal of *amparo*, which shall take cognizance of cases of violation

of the constitutional guarantees and is organized in conformity with the respective law.

The tribunal of administrative litigation, with power to assume jurisdiction in cases of dispute originating through purely administrative decisions or acts. Its members are appointed one by the Congress, another by the Supreme Court of Justice, and the third by the President of the Republic. The substitutes are appointed in like manner. The recourse of appeal is applicable against sentences in administrative litigation.

The tribunal of conflicts of jurisdiction, which shall resolve those that may arise between the tribunal of administrative litigation and the public administration, between the former and ordinary jurisdiction, or between the latter and the public administration. Its members shall be appointed in like form to that indicated in the preceding paragraph.

Military tribunals, with respect to crimes and offenses of the personnel of the army. The military code may be enjoyed only by individuals in active service who may belong to the army, and exclusively in matters of a military nature. Military tribunals in no case may extend their jurisdiction over persons belonging to the army who are not in active service. Their organization and functions shall be adjusted to the military code. The recourse of appeal is applicable against final sentences issued by these tribunals, except in cases of the invasion of a besieged territory, place, or city, or mobilization of the army by reason of war or revolution. Common tribunals shall have jurisdiction exclusively over judicial matters that may refer to those who are not directly subject to the services of the army, whatever may be the kind of punishable act that is involved.

Special tribunals created by law, the judges of first instance and minor judges of which shall be appointed by the Supreme Court, which shall exercise with respect to them the power of removal and transfer that belong to it with regard to other judges.

When circumstances may make it necessary, one or more chambers may be created within the court of appeals which shall have jurisdiction in proceedings over the decisions of the special tribunals.

ART. 165. A law shall organize the Public Ministry.

ART. 166. Magistrates and judges must be native-born Guatemalans, of secular status, and in enjoyment of the rights of citizenship. Those who exercise ordinary jurisdiction, as well as the members of the tribunals of *amparo*, of administrative litigation, and of conflicts of jurisdiction, must be, furthermore, attorneys. This status is not necessary for minor judges.

The president of the Supreme Court of Justice must be a Guatemalan of those included in Article 6 of the Constitution and, as also with the Magistrates of said Court, more than thirty-five years of age, and must have discharged for four years a magistracy or attorneyship in the court of appeals or must have exercised the profession of attorney in the tribunals of the

Republic for eight years; magistrates and attorneys of the court of appeals must be more than thirty years of age and must have been judges of first instance not less than four years or must have exercised the profession of attorney in the country during an equal period. For the purposes of this article the time of exercise of the profession of attorney is computed from the date of their inscription in the respective register.

ART. 167. The president of the Supreme Court of Justice, the presidents of the chambers of appeals, magistrates, prosecutors, and judges, with the exception of the military and others determined by law, may not exercise offices in the branches charged with executive and legislative functions, except those of teaching or of technical commissions; but judges of first instance, in default of titular counselors, may give legal advice to other administrative or military authorities.

ART. 168. Members of the Supreme Court, presidents, members, and prosecutors of the court of appeals may not be transferred without their consent from one to another chamber or hall. Judgment of motives in case of the removal of magistrates, prosecutors, and judges must be made after a hearing of the interested party.

ART. 169. Prosecutors of the chambers of appeals and the subordinate personnel of the Supreme Court shall be appointed, transferred, and removed by said Court; the subordinate personnel of the chambers of appeals, by the respective chambers; and that of the tribunals of first instance and minor courts, by their respective titular officials.

ART. 170. It is the function of the tribunals: to judge and to cause the judgment to be executed, and to apply the laws in all matters of which they themselves take cognizance. Those of ordinary jurisdiction and that of administrative litigation may declare, in concrete cases and by sentence in first or second instance or appeal, the inapplicability of any law or measure of the branches that may exercise other functions of the public authority, when they may be contrary to the Constitution.

If unconstitutionality should be declared, the resolution shall be transcribed for the Congress or the appropriate Ministers, and shall be published in the official journal.

ART. 171. No agency or authority may remove to a higher court jurisdiction over closed suits. The cases and forms of revision shall be determined by law.

ART. 172. The common tribunals shall have jurisdiction over matters in which the public administration proceeds as a party, and when abuse of power is charged against those who may exercise executive functions, it shall be tried in conformity with the law of *amparo*:

ART. 173. In no trial may there be more than one appeal, and the magistrate or judge who may have exercised jurisdiction in any one of them may not have jurisdiction in the other or on appeal, dealing with the same matter.

ART. 174. Magistrates and judges, whatever may be their title or category, are responsible for every infraction of the law.

In sentences issued by collegiate tribunals it must be recorded which of the magistrates was chairman.

ART. 175. The order and formalities of trials and any other judicial procedures that the laws indicate are for the general observance of all inhabitants.

ART. 176. Other matters that relate to the organization and functions of the tribunals shall be determined by law.

TITLE VIII

National Finances

ART. 177. All revenues of the State shall be anticipated and its expenditures fixed in the budget that shall govern during the year for which it has been approved. The budget is a single one and all expenditures and revenues are included in it.

ART. 178. It is the obligation of the Minister of Finance to present to the Congress, for its approval or modification, necessarily within the first fifteen days of the first period of regular sessions, the budget bill formulated for the following fiscal year. The Congress shall modify or approve the budget before closing its sessions. If it should close them without approving it, or if a new fiscal year should arrive without this requisite having been fulfilled, the Executive shall place in force the budget of the preceding fiscal year.

ART. 179. Every bill that involves expenditures for the State must indicate, at the same time, the manner of covering them and the form of their disbursement.

ART. 180. The floating debt that the Executive may contract within one fiscal year must be extinguished in the following year.

ART. 181. The Minister of Finance has under his responsibility the duty of apportioning monthly to each ministry of State, and to each one of the legislative and judicial organs, only a twelfth part of the amount fixed by the annual budget, unless, by a decision of the President of the Republic, taken in Council of Ministers and for extraordinary cases, it is resolved to fix another amount with regard to the ministries.

ART. 182. Credits that are designated in the statement of expenditures of the budget shall fix the maximum amounts intended for each service, and they may not be increased by the Executive without previous authorization from the Congress.

ART. 183. Amounts approved by the Congress for each branch of the budget and for each one of the ministries may be transferred by the Congress only at the request of the Executive, at any time during the fiscal year.

ART. 184. Budgeted items for unforeseen expenses of the ministries may only be expended upon previous agreement by the Council of Ministers.

ART. 185. The revenues of the State constitute a common fund, indivisible and single, with which administrative expenses are covered. In consequence, all revenues must be included in the common aggregate, even though some are at the private disposition of an agency or dependency. Only the national treasury and its branches and banking institutions empowered by the Executive may receive public revenues.

ART. 186. The Executive has the obligation of sending annually to the Congress, within the first fifteen days of March, the accounts of the State. For this purpose, the Minister of Finance shall liquidate the annual budget within the four months following its expiration and shall send his report to the tribunal of accounts with the necessary data and proofs. Said tribunal shall issue an opinion within a term not greater than three months, and without prejudice to the effectiveness of its report, shall send it to the Executive and to the Congress within the first fifteen days of sessions. Violations or responsibilities that, in the judgment of the tribunal, may have been incurred shall be recorded in the opinion. The Congress shall approve or reject the accounts in short.

ART. 187. The liquidation of every credit that may originate in the treasury, employed in the execution of any work of public service, shall be published completely in the official journal as soon as it obtains the approval of the appropriate ministry.

The liquidation of credits originating from public funds shall be submitted to the scrutiny of the office of accounts within the sixty calendar days after the completion of the work, without prejudice to the liquidations and acceptances that may be considered proper by the administration during the process of the execution of the same.

TITLE IX

Tribunal and Office of Accounts

ART. 188. The tribunal and office of accounts is an autonomous institution that controls and supervises the revenues, expenditures, and other financial interests of the State, the municipality, the university, institutions that receive funds directly or indirectly from the State, and other organizations determined by law.

ART. 189. Appropriate functions of the tribunal and office of accounts are:
1st. Centralization of fiscal and financial accounting.

2nd. Control and scrutiny of all accountancy operations of the State and of the organizations referred to in the preceding article.

3rd. Juridical analysis and judicial decision in matters concerning accounts.

ART. 190. The tribunal of accounts is composed of five magistrates, three of them attorneys, and the other two, preferably, doctors of economic science or public accountants, or well trained auditors. The Supreme Court of Justice shall appoint the president of said tribunal and another of its magistrates who

must be attorneys. The Congress shall appoint one attorney and one doctor of economic science or accountant, and the President of the Republic one doctor of economic science or accountant.

The respective substitutes shall be appointed in the same manner.

ART. 191. To be a member of the tribunal of accounts it is necessary:

- 1st. To be more than thirty years of age.
- 2nd. To be a native-born Guatemalan and of secular status.
- 3rd. To be in the exercise of the rights of citizenship.
- 4th. To have had at least four years in the exercise of his profession.
- 5th. Not to have been convicted of a crime against property, bribery, betrayal of a trust, perfidy, fraud, malversation of public funds, or illegal exactions.

ART. 192. The number of magistrates of the tribunal of accounts may be increased by the Congress when needs so require. Prescriptions established by Article 190 shall be observed for their appointment.

ART. 193. The officials who compose the tribunal of accounts continue four years in the discharge of their offices, and they may be re-elected. The Supreme Court of Justice may remove them in cases of notorious bad conduct, negligence, crime, or properly proved ineptitude, all upon previous proceedings and legal decision.

ART. 194. Members of the tribunal of accounts may not form a part of another official or autonomous agency that is directly or indirectly subordinate to the State or the municipality, may not exercise a profession, industry, or trade, and may not have a material interest, direct or indirect, in an agricultural, industrial, commercial, or financial enterprise that may have relations with the State or with a municipality.

ART. 195. Questions of jurisdiction and competence of the tribunal of accounts with other institutions shall be resolved by the tribunal of jurisdictional conflicts.

ART. 196. The members who compose the tribunal of accounts shall enjoy the same guarantees and prerogatives as the Magistrates of the Supreme Court of Justice.

ART. 197. Duties of the tribunal of accounts are:

1st. To observe the application of the budgets of the State and of those organizations to which Article 188 refers, examining and scrutinizing the respective accounts.

2nd. To approve, before they are submitted for the signature of the President of the Republic or of the appropriate official, all decisions for expenditure, whatever may be the ministry or the agency in which they may originate, provided that there exists a sufficient balance in the respective item of the budget and that the legal requirements may have been fulfilled.

3rd. To pronounce upon the constitutionality and legality of decrees that may authorize expenditures or establish revenues, it being necessary on its

part to send them to the Congress or to the Executive for their reconsideration, within the period of ten days counted from their receipt. In such case, the Executive may issue a decree of insistence, with the signatures of the Council of Ministers, and the tribunal of accounts must give it legal compliance.

4th. To appoint chiefs, officials, employees, interventors, and assistants for the different branches of the general accounting office, on the basis of proof that confirms their capacity and integrity.

5th. To inspect generally the expenses and disbursements of the State and the municipality, as well for the completion of works as for provisioning, payment of personnel, and bids made for those purposes. For this purpose it may begin proceedings to prove whether the payments made correspond effectively to the services given by the institutions under its supervision, it being necessary to verify the average cost per unit of work and the average value of the supplies that the State should receive, in accordance with the market. Likewise, it may conduct all accusations that may be formed with regard to these matters. It shall render an annual report to the President of the Republic in a form in which the expenses of the institutions under its supervision may be shown, in order that that official may send it, with his respective observations, to the Congress.

6th. To ask information from all agencies and dependencies subject to its supervision, and to appoint special delegates to undertake the appropriate investigations when the data are not provided or are considered insufficient.

The tribunal of accounts is obliged to undertake audits when they may be required and to render detailed information to the Executive and to the Congress on all ramifications relating to its action.

7th. To render annually to the Congress and to the President of the Republic a report respecting the state and administration of the public treasury, the national currency, the public debt, the budget and its liquidation.

8th. To publish its reports annually for general information.

9th. To exercise compulsory economic jurisdiction in the Department of Guatemala.

10th. Others determined by law.

Arr. 198. The law establishes the organization of the tribunal and office of accounts, its jurisdiction and its procedures, hearings and appeals, the number of magistrates that are required to pronounce sentence in final instance, the responsibility of officials and employees of the institution, the functioning of the inferior tribunals and branches that compose it. It shall also establish the form of exercising the functions of control and audit.

TITLE X

Government of the Departments and Municipalities

ART. 199. The territory of the Republic is divided for its administration into Departments, and the latter into municipalities.

ART. 200. The President of the Republic shall appoint, for the administration of each Department, a governor, whose qualifications and duties are fixed by law. The governor is the representative and delegate of the Executive.

ART. 201. The municipalities are governed by autonomous municipal corporations, presided over by one or various magistrates. The corporations as well as the magistrates are elected in a direct and popular form.

ART. 202. The magistrates are, in their respective jurisdictions, the delegates and representatives of the departmental governor who, in his turn, is the delegate and representative of the [national] Government. Each municipality shall organize its local police, who are exclusively under the orders of the magistrate.

ART. 203. Municipalities have the power to establish their taxes. The approval of the Government shall be necessary in cases in which the law so determines, in order to resolve upon taxes and to effect expenditures.

ART. 204. The organization, functioning, and duties of the municipal bodies and of their members are subject to law.

ART. 205. The properties and revenues of the municipalities are the exclusive property of each one of them and enjoy the guarantees that the law grants to them.

TITLE XI

Amendments to the Constitution

ART. 206. The total or partial reform of the Constitution may be decreed only by the vote of at least two-thirds part of the total number of Deputies who compose the Congress, and shall indicate the purpose of the article or articles that may be amended. In any case in which the total reform of the Constitution or of Articles 2; 115, Clause 11; 131; 132; 133; 135; 136, and the present one, or of one or several of them is attempted, it may be decreed only when decided upon by at least two-thirds part of the votes already indicated, in two distinct and consecutive periods of regular sessions of the Congress; and even thus, the constituent assembly may not be assembled to take cognizance of the amendment in such case without six years having elapsed, counted from the time it was decreed.

The reform of the Constitution may consist in modifying, suppressing, adding, substituting, or extending articles.

In no case may Articles 2; 115, Clause 11; 131; 132; 133; 135; 136, and the

present one be declared suspended or their operation and effectiveness challenged in any manner.

ART. 207. The reform being decreed, the Congress shall call elections for a constituent assembly, which must be installed within the sixty days following the date of the call, except in the case anticipated in the preceding article, with respect to the reform of said article and of Articles 2; 115, Clause 11; 131; 132; 133; 135; 136; and 206, or of any of them, and of the whole of the Constitution; in which case the call must be made by the Congress that meets in the fifth year, counting from the date in which the reform was decreed, so that the installation of the constituent assembly may be accomplished upon the completion of the fixed term of six years.

The article or articles the reform of which has been decreed shall be inserted in the call for elections.

ART. 208. The constituent assembly shall be composed of one representative for each 40,000 inhabitants or fraction that exceeds 20,000. If any Department of the Republic cannot be represented, in conformity with the preceding rule, it shall have the right, nevertheless, to elect one deputy. Those elected must possess the qualifications required by Article 112, are subject to the prohibitions of Article 113 and enjoy the prerogatives noted in Articles 107, 108, and the first part of 110 of the Constitution.

ART. 209. The meeting of the constituent assembly shall not hinder the functioning of the Congress.

ART. 210. The reform being decreed by the constituent assembly, if there are no other constitutional decrees or laws to be enacted, it shall be dissolved, after the promulgation.

ART. 211. This Constitution shall not lose its force and effect, even though its observance be interrupted by rebellion.

ART. 212. All constitutions and constitutional amendments decreed prior to the present one are without value or effect.

Given in the Hall of Sessions, in Guatemala, the eleventh day of the month of March, 1945.

Haiti



HAITI was the first of the Latin American states to establish its independence. Even before that status was proclaimed on January 1, 1804, the first constitution had been enacted. The central assembly at Port-au-Prince on the "19 Floréal an IX" (May 19, 1801) voted a constitution for the French province of Saint Domingue. Toussaint L'Ouverture, the Haitian revolutionary leader, approved the constitution on July 3, and it was promulgated on July 8, 1801. This first constitution provided for a nominal attachment to France, but under terms unsatisfactory to the latter state. The declaration of independence was accompanied by a decision to confer all powers on Jean Jacques Dessalines as governor for life, but subsequently, in the belief that the title of governor might imply foreign domination, an imperial constitution was promulgated on May 20, 1805. Following the death of Dessalines on October 17, 1806, the empire was discarded. A constituent assembly on December 27, 1806, approved Haiti's third constitution, the first to establish a republic.

Terms of this constitution were unsatisfactory to Henri Christophe, a military leader in the north, who subsequently led that portion of the territory into secession as the "state" of Haiti, while the west and south remained as the "republic" of Haiti under Pétion. Immediately after the scission the northern portion adopted its own constitution, dated February 17, 1807, establishing a government nominally republican in form but conferring all powers on the president. Four years later on April 4, 1811, the council of state of the northern entity enacted a constitution transforming the state into a kingdom under Christophe as Henri I. This form continued until the death of Christophe in 1820, when there followed a reunion of the two portions of Haiti under a republican government. In the meantime, the southern state had enacted what was technically a new constitution, promulgated on October 10, 1816, but which in reality was but a revision of that of 1806. This law governed the southern state until 1820, the combined Haiti until 1822, and, following the conquest of the newborn Dominican Republic, the entire island until 1843.

A successful revolution in the early months of 1843 led to the assembling of a new constituent convention which, on December 30, 1843, adopted Haiti's fourth general constitution. This document was the most democratic and liberal of any of Haiti's early constitutions. The new law lasted only three years, however. A rapid succession of presidents gave way to a dictator-

ship which caused the re-establishment, on November 15, 1846, of the constitution of 1816 with certain modifications. The life presidency was thus re-established and the way paved for a new empire. General Soulouque became dictator in 1847, was soon proclaimed emperor by the army, and dominated the adoption of an imperial constitution, promulgated September 20, 1849. This was, in effect, Haiti's fifth constitution, though it retained many of the provisions of the law of 1846. By virtue of it, Soulouque continued as emperor as Faustin I until December, 1858. Modifications followed by constitutional laws in 1859 and 1860.

A new constituent assembly meeting at Port-au-Prince in 1867 adopted a constitution on June 14. This law limited the president's term to four years, re-established presidential responsibility, and in still other ways was reminiscent of the law of 1843. A constituent assembly in 1874 adopted a technically new constitution on August 6, which in reality was a revision of that of 1846. What may properly be called Haiti's seventh constitution was adopted on December 18, 1879, by the two chambers united as a national assembly. This law underwent amendment in 1880, 1883, 1884, 1885, and 1888, the last-named constituting technically a new constitution. Haiti's next basic law was to prove the longest-lived to date, continuing for almost three decades. It was adopted at Gonaives on October 9, 1889.

The military occupation of Haiti by United States forces following the regularizing treaty of September 16, 1915, led to the adoption of Haiti's ninth constitution because of the impasse resulting from the inability to reconcile the existing governmental forms with the alleged needs of the occupying forces. The new constitution was putatively written by Assistant Secretary of the Navy Franklin D. Roosevelt, but ostensibly it was the work of a specially created Haitian council of state. It was submitted for plebiscitary ratification on June 12, 1918, and promulgated seven days later. The 1918 constitution served during the transitional period of restoration of Haitian government; it was modified at certain important points by plebiscite on January 11, 1928. A technically new constitution was voted by the national assembly on July 15, 1932, in application of certain transitory modifications dealing with the council of state.

The next constitution—Haiti's tenth, if various basic laws modifying or restoring earlier ones are omitted—was signed on May 16, 1935, and ratified by plebiscite on June 2. It was twice modified—by referendum on July 23, 1939, proclaimed by the national assembly on August 8, and by vote of the national assembly on April 19, 1944. A political crisis beginning in 1945 resulted in the ousting of the president and the convening of a new constituent assembly which met early in 1946. In the meantime, the constitution of 1932 was temporarily restored. The constituent assembly completed its work and signed the new constitution on November 22, 1946; it took effect upon publication on December 23, 1946.

CONSTITUTION OF THE REPUBLIC OF HAITI

The Haitian people proclaim the present Constitution to consecrate their rights, their civil and political guarantees, their sovereignty, and their national independence, and the democratic principles that must be the foundation of their life.

TITLE I

Concerning the Territory of the Republic

ARTICLE 1. The Republic of Haiti is one, indivisible, free, sovereign, independent, democratic, and social.

Port-au-Prince is its capital and the seat of its Government.

All the islands that are found within the limits intended by international law, of which the principal ones are La Tortue, La Gonâve, l'Ile-à-Vache, les Cayemittes, la Navase, la Grande Caye, are an integral part of the territory of the Republic, which is inviolable and which may not be alienated by any treaty or convention.

ART. 2. The territory of the Republic is divided into five Departments, which are the Department of the North, the Department of the Northwest, the Department of Artibonite, the Department of the West, and the Department of the South.

Each Department is subdivided into *arrondissements*, each *arrondissement* into communes, each commune into quarters and rural sections.

The law will determine the number and boundaries of these subdivisions and also regulate their organization and functioning.

TITLE II

Concerning Rights

CHAPTER I

Concerning Haitians and Their Rights

ART. 3. Rules relative to nationality are determined by the law.

ART. 4. Every individual born of a parent who is himself born a Haitian is of Haitian origin. Every individual, not recognized by his father, but born of a mother who herself is born a Haitian, is likewise of Haitian origin.

ART. 5. The life and the liberty of Haitians are sacred and must be respected by individuals and by the State.

CHAPTER II

Concerning Civil and Political Rights

ART. 6. The union of civil and political rights constitutes the qualification of a citizen.

The exercise of civil rights independent of political rights is regulated by the law.

ART. 7. Every Haitian of the age of twenty-one years effects the exercise of political rights; they may be combined, in other respects, with other conditions determined by the Constitution and by law.

Aliens may acquire Haitian nationality by conforming to the regulations established by law.

Aliens naturalized as Haitians are not admitted to the exercise of political rights until ten years after the date of their naturalization.

ART. 8. Every alien who is present in the territory of Haiti enjoys the same protection granted to Haitians except for measures the necessity of which might become apparent with respect to persons from countries where Haitians do not enjoy the same protection.

ART. 9. The exercise, enjoyment, suspension, and loss of political rights are regulated by law.

ART. 10. The right of [owning] real property is granted to aliens resident in Haiti and to foreign corporations for their dwelling needs.

However, an alien resident in Haiti may not, in any case, become owner of more than one place of habitation in a locality. He may not, in any case, engage in the business of renting real property.

The right of [owning] real property is likewise granted to aliens resident in Haiti and to foreign corporations for the needs of their agricultural, commercial, industrial, or teaching enterprises, within the limits and conditions to be determined by the law.

The right will come to an end within a period of two years after the alien has ceased to reside in the country or the corporations have ceased operations. And the State will become owner in full right, in conformity with the law that determines the extent of the right of property and the regulations to be followed for the transmission and liquidation of properties.

Any citizen is entitled, with benefit to himself of certain advantages determined by law, to denounce violations of this present provision.

CHAPTER III

Concerning Public Rights

ART. 11. Haitians are equal before the law, except for the advantages conferred on Haitians by birth. They are equally admissible, without any

discrimination, to civil and military employment, under the conditions established by law.

ART. 12. Individual liberty is guaranteed.

No one may be prosecuted, arrested, or detained, except in the cases determined by law and according to the forms that it prescribes.

Moreover, the arrest and detention may not take place except by the order of a legally competent official.

For the order to be executed it is necessary:

1st. That it express formally the reason for the detention and the provision of the law which punishes the attributed act.

2nd. That it be delivered and that a copy be left with the detained person at the time of its execution, except in cases *in flagrante delicto*.

No one may be kept in detention if he has not appeared within forty-eight hours before a judge qualified to pass on the legality of the arrest. This jurisdiction will be organized by law.

All severity or constraint which is not necessary for apprehending a person or keeping him in detention, all moral pressure or physical brutality, especially during an interrogation, are forbidden.

All violations of this provision are arbitrary acts against which the offended parties may, without previous authorization, sue before tribunals competent in prosecuting, either the authors or the executors, regardless of what may be their function or the body to which they belong.

ART. 13. No one may be removed from judges that the Constitution or the law may assign to him. Thus, a civilian may never be judged by any military court whatsoever, nor a soldier, in matters of common law, removed from the tribunal of common law, except for a legally declared case of state of siege.

ART. 14. No domiciliary search or seizure of papers may take place except by virtue of a law and in the form that it prescribes.

ART. 15. No law may have retroactive effect except in penal matters when it is favorable to the accused.

ART. 16. No penalty may be applied except by law nor applied except in the cases that it determines.

ART. 17. The right of [owning] property is guaranteed to citizens. Expropriation for reasons of public utility legally established may take place only by means of payment or sums left at the order of the one who has a right to a just and previous indemnification.

But property similarly entails obligations. It must be used in the general interest.

The owner of real property has the duty, with respect to the community, of cultivating, developing, and protecting the soil, especially against erosion.

The punishment for this obligation is established by law.

The right of property does not extend to springs, rivers, and other streams that are part of the public domain of the State.

Conditions of usage will be determined by law.

The law will limit the maximum extent of the right of property.

ART. 18. Freedom of work is exercised under the control and supervision of the State and is regulated by law. However, only Haitians by birth may engage in retail trade, direct enterprises of small industry, and carry out any other commercial or professional activities that the law determines.

ART. 19. Every worker has the right to participate, by an intermediary of his choice, in the collective determination of the conditions of work. Every worker has the right to rest and leisure time.

Every man has the right to defend his interests by union action. Anyone may or may not belong to a union in his professional activities.

An annual paid vacation is obligatory.

ART. 20. The penalty of death may not be established in political matters except by reason of treason.

The crime of treason extends to all acts involving taking up arms against the Republic of Haiti, joining the declared enemies of Haiti, or giving them aid and succor.

ART. 21. Everyone has the right to express his opinions on all matters and by any means in his power. The expression of thought, whatever may be the form in which it is effected, may not be submitted to any previous censorship, except in case of a declared state of war.

Abuses of the right of expression are defined and restrained by law, without which liberty of expression may not be restrained.

ART. 22. All faiths and all religions are equally free and recognized. Everyone has the right to profess his religion and to practice his faith provided that it does not disturb public order.

ART. 23. Liberty of instruction is exercised in conformity with the law, under the control and surveillance of the State, which must be concerned with the moral and civic development of citizens.

Public education is a responsibility of the State and the communes.

Primary instruction is obligatory.

Public instruction is gratuitous at all levels, without prejudice to conditions of admission.

ART. 24. In the cases determined by law, the jury is established for criminal matters and for political offenses committed by means of the press or otherwise.

ART. 25. Haitians have the right of assembling peaceably and without arms, even to discuss political subjects, in conformity with the laws that may regulate the exercise of this right, being subject, nevertheless, to previous authorization.

This provision shall not be applied in any way to public assemblies which remain entirely subject to police laws.

ART. 26. Haitians have the right of association and of grouping in political parties, unions and co-operatives.

This right is not subject to any preventive measures. And no one may be forced to affiliate with an association or a political party.

The law regulates the conditions of operation of these groups.

ART. 27. The right of petition is exercised personally by one or more individuals, never in the name of a body.

ART. 28. Secrecy of correspondence is inviolable.

The law determines who are the agents responsible for the violation of letters confided to the mails.

ART. 29. French is the official language. Its employment is obligatory in the public services.

ART. 30. The right of asylum is recognized for political refugees under the condition of conforming to the laws of the country.

ART. 31. Extradition will not be granted or requested in political matters.

ART. 32. The law may not add to or subtract from the Constitution. The letter of the Constitution must always prevail.

CHAPTER IV

Concerning Civic Duty

ART. 33. Civic duty is attached to the status of a citizen and to civil and political rights.

The civic duty is the whole of the obligations of a citizen of a moral, political, social, and economic kind with regard to the State and the Fatherland.

Non-observance of these prescriptions is punished by the law.

Officials and employees of all ranks must conduct themselves in the exercise of their functions as men of honor, dignity, and conscience and must bear witness, under all circumstances, to concern for the public welfare.

TITLE III

• CHAPTER I

Concerning Sovereignty and the Authorities to Which the Exercise of It Is Delegated

ART. 34. National sovereignty resides in the whole of the citizens.

ART. 35. The exercise of this sovereignty is delegated to three branches: the legislative branch, the executive branch, and the judicial branch.

They form the Government of the Republic, which is essentially civil, democratic, and representative.

ART. 36. Each branch is independent of the other two in the powers that it exercises separately.

No one of them may delegate these [powers] nor exceed the limits that are fixed for it.

Responsibility is attached to each of the acts of the three branches.

CHAPTER II

Concerning the Legislative Branch or the National Representation

SECTION I

Concerning the Chamber of Deputies

ART. 37. The legislative power is exercised by two representative Chambers: a Chamber of Deputies and a Senate, which form the Legislative Body.

ART. 38. The number of Deputies is fixed by law in ratio to the population.

Until the state [i.e., size] of the population is established and the law has fixed the number of citizens who must be represented by each Deputy, there shall be thirty-seven Deputies, distributed among the *arrondissements* in the following manner: four for the *arrondissement* of Port-au-Prince; two for each of the *arrondissements* of Cap-Haïtien, of Cayes, of Port-de-Paix, of Gonaïves, of Jérémie, of Saint-Marc, of Jacmel; and one Deputy for each of the other *arrondissements*.

A Deputy is elected by a relative majority of the votes cast in the primary assemblies, according to the conditions and the manner prescribed by law.

ART. 39. To be a member of the Chamber of Deputies it is necessary:

1st. To be a Haitian by birth and never to have renounced his nationality.

2nd. To be at least twenty-five years of age.

3rd. To be in enjoyment of his civil and political rights.

4th. To have resided at least one year in the *arrondissement* he represents.

ART. 40. Deputies are elected for four years and are indefinitely re-eligible.

They enter into office on the first Monday of April following the elections.

ART. 41. In case of death, resignation, removal, judicial interdiction, or acceptance of a new office incompatible with that of Deputy, a replacement is provided for the latter in the electoral district, only for the time remaining to the term, by a special election and on convocation of the primary electoral assembly called by the President of the Republic in the same month as the vacancy.

Nevertheless, before accepting a resignation, the Chamber may undertake any sort of inquiry into the circumstances affecting the resignation.

The election will take place within a period of thirty days after the convocation of the primary assembly, in conformity with Article 117 of the present Constitution.

It shall be the same in default of elections or in case of nullification of elections in one or more districts. However, if the vacancy is produced in the course of the last regular session of the legislative term, or after the session, there will be no reason for a partial election.

SECTION II

Concerning the Senate

ART. 42. The Senate is composed of twenty-one members, elected by the primary assemblies of each Department, distributed in the following manner: six, for the West; four, for each of the Departments of the North, Artibonite, the South; and three, for the Northwest.

Their term continues six years and they are indefinitely re-eligible.

They enter into office the first Monday of April following their election.

ART. 43. To be elected Senator, it is necessary:

1st. To be a Haitian by birth and never to have renounced his nationality.

2nd. To be at least thirty years of age.

3rd. To be in enjoyment of civil and political rights.

4th. To have resided at least two years in the Department he represents.

ART. 44. In case of death, resignation, removal, judicial interdiction, or acceptance of a new office incompatible with that of Senator, a replacement is provided for the latter in the electoral district, only for the time remaining to the term, by a special election and on convocation of the primary electoral assembly called by the President of the Republic in the same month as the vacancy.

Nevertheless, before accepting a resignation, the Senate may undertake any sort of inquiry into the circumstances affecting the resignation.

The election will take place within a period of thirty days after the convocation of the primary assembly, in conformity with Article 117 of the present Constitution.

It shall be the same in default of elections or in case of nullification of elections in one or more districts. However, if the vacancy is produced in the course of the last regular session of the legislative term, or after the session, there will be no reason for a partial election.

SECTION III

Concerning the National Assembly

ART. 45. The two Chambers are joined in National Assembly in the cases anticipated by the Constitution and also for the opening and closing of each session.

The powers of the National Assembly are limited and may not be extended to other subjects than those especially attributed to it by the Constitution.

ART. 46. The titular president of the Senate presides over the National Assembly, the titular president of the Chamber of Deputies is the vice-president, the secretaries of the Senate and of the Chamber of Deputies are the secretaries of the National Assembly.

ART. 47. The powers of the National Assembly are:

1st. To elect the President of the Republic and to receive the constitutional oath from him.

2nd. To declare war, upon a report by the Executive.

3rd. To approve or reject treaties of peace and other international treaties and conventions.

4th. To amend the Constitution.

ART. 48. The National Assembly will proceed to the election of the President of the Republic on the second Monday of April, and may not devote itself to other work, remaining in permanent session, until a President has been elected.

ART. 49. The election of the President of the Republic is made by secret ballot and by an absolute majority. The ballot in the presidential vote must be blank, with no external mark, and carrying solely the full name of the candidate, under penalty of nullification.

If, after the first ballot, none of the candidates has obtained the number of votes required for election, a second ballot shall be taken. If, on this second ballot, no candidate is elected, the election shall be limited to the three candidates who have obtained the most votes. If, after the third ballot, no one of the three is elected, the balloting shall be between the two who have the most votes and the one who obtains a majority of the votes cast is proclaimed President of the Republic.

In case of a tie in votes between two candidates the election shall be decided by lot.

ART. 50. In case of a vacancy in the office of President of the Republic, the National Assembly shall be brought together within ten days at the latest, with or without a call by the Council of Secretaries of State, for the election of a President of the Republic.

ART. 51. Sessions of the National Assembly are public. Nevertheless, they

may take place behind closed doors on the demand of five members, and it shall then be decided by an absolute majority whether the session must continue to be public.

ART. 52. The Executive may, in case of urgency, when the Legislative Body is not in session, convoke the National Assembly in extraordinary session.

He communicates to the Assembly in a written message the reasons for this call.

The Legislative Body may not, in the case of an extraordinary convocation, occupy itself with any subject foreign to the reasons for the convocation.

However, any Senator or Deputy may present questions of general interest to the Assembly to which he belongs.

ART. 53. The presence in the National Assembly of a majority of each of the two Chambers is necessary to pass resolutions.

SECTION IV

Concerning the Exercise of the Legislative Power

ART. 54. The seat of the Legislative Body is fixed in the capital of the Republic. Nevertheless, it may be transferred elsewhere, according to circumstances.

ART. 55. The Legislative Body is assembled each year, in full right, on the first Monday of April.

The session dates from the opening of the two Chambers in National Assembly.

The session lasts three months. It may, in case of necessity, be extended by one to two months by the Executive or by the legislative branch.

The President of the Republic may adjourn the Chambers, but adjournment may not be for more than one month, and not more than two adjournments may take place during the course of the same session.

The time of adjournment shall not be deducted from the constitutional duration of the session.

ART. 56. The President of the Republic may, in the interval between sessions, and in case of urgency, convoke the Legislative Body in extraordinary session.

He will then by message render an account of the measure.

The Legislative Body may not, in case of convocation in extraordinary session, occupy itself with any subject foreign to the reasons for this convocation.

However, any Senator or Deputy may present questions of general interest to the Assembly to which he belongs.

ART. 57. Each Chamber will verify and validate the credentials of its members and judge with full authority the disputes that may be presented on the subject.

ART. 58. Members of each Chamber will take the following oath:

"I swear to maintain the rights of the people and to be faithful to the Constitution."

ART. 59. Sessions of the two Chambers are public.

Each Chamber may be formed into a secret committee on the demand of five members and will thereupon decide by majority if the session must continue to be public.

ART. 60. No monopoly may be established except in favor of the State or the communes and under the conditions determined by law.

However, the State or the communes, in the exercise of this privilege, may be replaced by corporations or companies.

ART. 61. The legislative branch makes laws on all subjects of public interest.

The initiative belongs to each of the Chambers as well as to the Executive.

Nevertheless, the budget laws, both those which include bases, distribution, and manner of collection of imposts and taxes, and those having for their object the creating of revenues or the increasing of the expenditures of the State, must first be voted by the Chamber of Deputies.

In case of disagreement between the two Chambers relative to the laws mentioned in the preceding paragraph, each Chamber will appoint in equal number, by lot, an interparliamentary committee which will resolve the disagreement in last resort.

If the disagreement is caused by any other law, the latter shall be postponed until the following session. If, at this session, and similarly in case of the renewal of the Chambers, the law being presented anew, agreement is not achieved, each Chamber will appoint in equal number, by ballot, a committee charged with drafting a definitive text which will be submitted to the two Assemblies, beginning with that which had originally voted the law. And if these new deliberations give no result, the bill or the proposal for a law will be withdrawn.

The Executive alone has the right to take the initiative in laws concerning public expenditures, and neither of the two Chambers has the right to increase in whole or in part the expenditures proposed by the Executive.

ART. 62. Each Chamber, through its by-laws, will name its personnel, specify its discipline, and determine the manner in which its powers shall be exercised.

Each Chamber may apply disciplinary penalties to its members for reprehensible conduct and may expel a member by a majority of two-thirds of its members.

ART. 63. Members of the Legislative Body are inviolable and irremovable from the day of their taking of the oath until the expiration of their term.

They may not be excluded from the Chamber of which they form a part nor at any time be prosecuted or attacked for opinions and votes given by them, either in the exercise of their office or on the occasion of its exercise.

ART. 64. No bodily restraint may be exercised against a member of the Legislative Body during the continuance of his term.

ART. 65. No member of the Legislative Body may, during his term, be prosecuted or arrested for criminal, correctional, or police matters, or even for political offenses, unless with the authorization of the Chamber to which he belongs, except in cases *in flagrante delicto* for acts involving corporal and infamous punishment. The matter will then be referred without delay to the Chamber of Deputies or to the Senate, according to whether it is a Deputy or a Senator in question, if the Legislative Body is in session; in a contrary case, [it will be referred] at the opening of the regular session.

ART. 66. Neither of the two Chambers may adopt resolutions except with the presence of an absolute majority of its members.

ART. 67. No act of the Legislative Body may be performed without an absolute majority of the members present, except when it is otherwise provided by the present Constitution.

ART. 68. Each Chamber has the right of inquiry into questions which are presented to it.

This right is limited by the principle of the separation of powers, in conformity with Article 36.

ART. 69. A bill may not be adopted by either of the two Chambers until after it has been voted article by article.

ART. 70. Each Chamber has the right to amend and revise articles and amendments proposed. Amendments voted by one Chamber may not be made part of a bill until after having been voted by the other Chamber, and no bill may become a law until after having been voted in the same form by the two Chambers.

No bill may be withdrawn from discussion as long as it has not been definitively voted on.

ART. 71. Every law voted by the Legislative Body is immediately sent to the President of the Republic who, before promulgating it, has the right to make objections in whole or in part.

In that case, he will send the bill, with his objections, to the Chamber where it was originally voted. If the law is amended by that Chamber, it will be sent on, with the objections, to the other Chamber. If the law thus amended is voted by the second Chamber, it will be sent anew to the President to be promulgated.

If the objections are rejected by the Chamber which originally voted the law, it will be sent, with the objections, to the other Chamber.

If the second Chamber likewise votes to reject them, the law will be sent to the President, who is under obligation to promulgate it.

Rejection of the objections is voted by one or the other Chamber by a majority of two-thirds of each Chamber; in such case, the votes of each Chamber

will be given by "aye" or by "no" and noted in the minutes along with the name of each member of the Assembly.

If two-thirds are not assembled in one or the other Chamber to vote the rejection, the objections will be accepted.

ART. 72. The right of objection must be exercised within a period of eight days from the date of the receipt of the law by the President, excluding Sundays and days of adjournment of the Legislative Body, in conformity with Article 55 of the present Constitution.

ART. 73. If, within the period prescribed by the preceding article, the President of the Republic makes no objection, the law must be promulgated, unless the session of the Legislative Body has ended before the expiration of the period. In such case, the law remains postponed.

The law thus postponed is, at the opening of the [following] session, sent to the President of the Republic for the exercise of his right of objection.

ART. 74. A bill rejected by one of the two Chambers may not be reintroduced in the same session.

ART. 75. Laws and other acts of the Legislative Body and of the National Assembly are rendered official by means of publication in *Le Moniteur* and insertion, printed and numbered, in a bulletin entitled *Bulletin des lois*.

ART. 76. The law carries the date of its definitive adoption by the two Chambers, but it does not become obligatory until promulgation, which is made in conformity with the law.

ART. 77. No one may personally present petitions to the Legislative Body.

ART. 78. The authoritative interpretation of the laws concerns the legislative branch; this is given in the form of a law.

ART. 79. Each member of the Legislative Body receives a monthly compensation of 1,250 *gourdes*, dating from his taking of the oath.

Every member of the Legislative Body who has become a Secretary of State, Undersecretary of State, or diplomatic agent ceases to have a right to the compensation that is allotted him in the preceding paragraph, unless it is a matter of a temporary mission, in which case he will give account of the remuneration or expenses allotted from the compensation which will continue to be paid.

The office of member of the Legislative Body is incompatible with any other remunerated office of the State except that of Secretary of State, Undersecretary of State, or diplomatic agent.

The right of questioning and interpellating a member of the Cabinet or the entire Cabinet regarding the deeds and acts of the administration of the Executive is granted to any member of the two Chambers.

The demand must be supported by five members of the interested body.

CHAPTER III

Concerning the Executive Power

SECTION I

Concerning the President of the Republic

ART. 80. The executive power is exercised by a citizen who receives the title of President of the Republic.

ART. 81. The President of the Republic is elected for six years. He is not immediately re-eligible and may in no case benefit from a prolongation of the term. He enters into office on May 15th of the year in which he is elected, unless he is elected to fill a vacancy, in which case he enters into office at his election and his term is assumed to begin from the May 15th preceding the date of his election.

ART. 82. To be elected President of the Republic it is necessary:

1st. To be a Haitian by birth and never to have renounced his nationality.

2nd. To be at least forty years of age.

3rd. To be in enjoyment of civil and political rights.

ART. 83. Before entering into office, the President of the Republic shall take the following oath before the National Assembly:

"I swear before God and before the Nation faithfully to observe, and to cause to be observed, the Constitution and the laws of the Haitian people, to respect their rights, to maintain the national independence and the integrity of the territory."

ART. 84. The President of the Republic appoints and removes the Secretaries of State.

He is charged with supervision of the execution of the treaties of the Republic.

He ratifies laws under the seal of the Republic and promulgates them within the period prescribed by Articles 71, 72, and 73.

He is charged with causing the execution of the Constitution and the laws, acts, and decrees of the Legislative Body and of the National Assembly.

He makes all necessary regulations and decrees to that effect, without, however, at any time, suspending or interpreting the laws, acts, and decrees themselves, or failing to execute them.

He may not appoint to public employment or office except by virtue of the Constitution or of an express provision of a law and under the conditions that it prescribes.

He watches over [the enforcement of] the laws and the internal and external security of the State.

He makes all international treaties and conventions, subject to the approval

of the National Assembly, to the ratification of which he likewise submits all executive agreements.

He has the right of pardon and of commutation of punishment, relative to all sentences put into force by any judge except in case of an indictment by the tribunals or by the Chamber of Deputies, as well as that anticipated by Articles 112 and 114 of the present Constitution.

He may grant amnesty only in political matters and according to the provisions of the law.

ART. 85. If the President finds it temporarily impossible to exercise his office, the Council of Secretaries of State is charged with the executive authority as long as the impediment continues.

ART. 86. In case of vacancy in the office of the President of the Republic, the Council of Secretaries of State is temporarily invested with the executive power.

It will immediately convoke the National Assembly for the election of a President of the Republic.

If the Legislative Body is in session, the National Assembly will convene without delay. If the Legislative Body is not in session, the National Assembly will be assembled in conformity with Article 50 above.

ART. 87. All measures that the President of the Republic takes are previously deliberated in the Council of Secretaries of State.

ART. 88. All acts of the President of the Republic, except decrees making an appointment or removal of Secretaries of State, are countersigned by the Secretary of State concerned.

ART. 89. The President of the Republic has no other powers than those attributed to him by the Constitution and the special laws voted by virtue of the Constitution.

ART. 90. At the opening of each session, the President of the Republic delivers a message separately to each of the two Chambers on a general review of conditions, and transmits to them the reports sent to him by the different Secretaries of State.

ART. 91. The President of the Republic receives from the public treasury a monthly compensation of 10,000 *gourdes*.

ART. 92. The President of the Republic resides in the national palace in the capital.

SECTION II

Concerning the Secretaries of State

ART. 93. The law fixes the number of Secretaries of State, which number may not be less than five.

The President of the Republic may, when he judges it necessary, add to them Undersecretaries of State, whose powers are determined by law.

To be appointed Secretary of State or Undersecretary of State it is necessary:

- 1st. To be a Haitian by birth and never to have renounced his nationality.
- 2nd. To be at least thirty years of age.
- 3rd. To be in enjoyment of civil and political rights.

The Secretaries of State and Undersecretaries of State are distributed among the various ministerial departments that lay claim to the services of the State.

A decree will fix this distribution in conformity with the law.

ART. 94. The Secretaries of State are assembled in Council under the presidency of the President of the Republic or of one of them delegated by him.

All deliberations of the Council are reported in a register and the minutes of each session are signed by the members of the Council who are present.

ART. 95. Secretaries of State have access to each of the two Chambers, as well as to the National Assembly, to support bills and objections of the Executive.

ART. 96. The Secretaries of State are respectively responsible for the acts of the President of the Republic which they countersign and for those of their departments, as well as for the non-execution of the laws.

A written or verbal order from the President of the Republic in no case excuses a Secretary of State from responsibility.

ART. 97. Each Secretary of State receives from the public treasury a monthly compensation of 2,500 *gourdes*.

Undersecretaries of State receive from the public treasury a monthly compensation of 1,500 *gourdes*.

CHAPTER IV

Concerning the Judiciary

ART. 98. Disputes which have civil rights as their subject are exclusively within the jurisdiction of tribunals of common law.

ART. 99. Disputes which have political rights as their subject are within the jurisdiction of tribunals, save for the exceptions established by law.

ART. 100. No tribunal or litigious jurisdiction may be established except by virtue of the law.

ART. 101. The judicial power is exercised by a Tribunal of Cassation and inferior tribunals, the number, organization, and jurisdiction of which are regulated by law.

The President of the Republic appoints judges of all tribunals. He appoints and removes officials of the Public Ministry in the Tribunal of Cassation and other permanent tribunals, justices of the peace, and their substitutes.

Judges of the Tribunal of Cassation and the tribunal of appeals are appointed for ten years. Those of the tribunals of first instance [are appointed] for seven years.

The terms begin from their taking of the oath.

Judges, once appointed, may be subjected to removal by the Executive. However, they remain subject to the provisions of Articles 112 and 113 of the

Constitution and to the provisions of special laws determining the causes capable of bringing their offices to an end.

ART. 102. Tribunals of appeal are instituted, according to needs and the available funds of the treasury, in the following cities: Port-au-Prince, Cap-Haïtien, Gonaïves, and Cayes.

ART. 103. Land and labor tribunals are likewise instituted, the number, location, and functioning of which are fixed by law.

ART. 104. The Tribunal of Cassation will not take cognizance of matters of fact. Nevertheless, in all matters other than those submitted to a jury, when the same matter presents itself between the same parties, on appeal or on exception, the Tribunal of Cassation, admitting the appeal, will pass on the appeal and on the facts of the case, in full court.

Nevertheless, when it is a question of appealing against temporary orders, orders of examining judges, decrees of appeal rendered as a consequence of those orders, and sentences in last resort by tribunals of peace, the Tribunal of Cassation, admitting the action, will pass judgment without appeal.

ART. 105. The office of judge is incompatible with any other salaried public office.

Incompatibility by reason of relationship or marriage is regulated by law.

The law likewise regulates the qualifications required for being a judge in all grades.

ART. 106. Commercial disputes are referred to civil tribunals and those of peace, in conformity with the code of commerce.

ART. 107. Sessions of the tribunals are public unless that publicity may be dangerous for public order and good morals. In that case, the tribunal so declares.

Closed doors may not be decreed in matters of political and press offenses.

ART. 108. Every decree or judgment is supported [by reasoning] and is pronounced in public session.

ART. 109. Decrees or judgments are rendered and executed in the name of the Republic. They express a mandate to officials of the Public Ministry and to other agents of the public forces. Acts of notaries are put in the same form when it is a question of their forcible execution.

ART. 110. The Tribunal of Cassation pronounces on conflicts of authority, in the manner regulated by law.

It takes cognizance of facts and of law in all cases of decisions rendered by the military tribunal.

ART. 111. The Tribunal of Cassation, on the occasion of a suit or an appeal that is made to it, pronounces in full court on the unconstitutionality of laws.

An appeal of unconstitutionality is not subject to any requirement of security or assessment.

The interpretation given by the legislative Chambers will apply to the facts,

without a possibility of making retroactive a loss of rights acquired by a matter already judged.

The legislative Chambers may act spontaneously or on the request of either of the parties engaged in the pending case.

The tribunals will not apply the decrees and regulations of the public administration except in so far as they are in conformity with the laws.

CHAPTER V

Concerning Actions against Members of the Authorities of the State

ART. 112. The Chamber of Deputies will accuse the President of the Republic and hail him before the Senate on a charge of treason or other crime or offense committed in the exercise of his functions.

It will likewise accuse:

1st. Secretaries of State in cases of malversation, treason, abuse of or exceeding authority, or any other crime or offense committed in the exercise of their functions.

2nd. In case of forfeiture, the members of the Tribunal of Cassation, of one of its sections, and any official of the Public Ministry assigned to the Tribunal of Cassation.

The placing of an accusation may not be decreed except by a majority of two-thirds of the members of the Chamber. It will accordingly bring those whom it accuses before the Senate organized as a high court of justice.

At the opening of the session, each member of the high court of justice will take an oath to judge with the impartiality and firmness that is proper for an upright and free man, according to his conscience and his innermost convictions.

The high court of justice may not pronounce any other sentences than those of forfeiture, removal, and deprivation of the right of exercising any public office for one year at the least and five years at the most, but the convicted person may be taken before the ordinary tribunals, in conformity with the law, where other penalties may be applied or the exercise of civil action decreed.

No one may be judged or convicted except by a majority of two-thirds of the members of the Senate.

The limits prescribed in Article 55 of the present Constitution for the duration of the sessions of the Legislative Body may not serve to put an end to prosecutions when the Senate sits as a high court of justice.

ART. 113. In case of forfeiture, any judge or official of the Public Ministry is accused by one of the sections of the Tribunal of Cassation.

If it is a question for the entire Tribunal, the accusation is pronounced by the Tribunal of Cassation in full court.

ART. 114. The law will regulate the manner of proceeding against the President of the Republic, Secretaries of State, and judges in the case of crimes or offenses committed by them, either in the exercise of their offices or outside of that exercise.

The benefit of limitation may never be invoked in support of military or civil officials who have become guilty of arbitrary and illegal acts to the injury of private individuals.

TITLE IV

Concerning the Communal Establishment

ART. 115. The commune is autonomous.

That autonomy is regulated by law.

The communal council is elected for four years and is indefinitely re-eligible.

ART. 116. Any commune the revenues of which do not permit an autonomous administration must be attached to the nearest commune of the *arrondissement* and will become a ward.

TITLE V

Concerning Primary Assemblies

ART. 117. Primary assemblies will meet, of full right, in each commune on the second Sunday of January every four years, according to the manner prescribed by law, for the election of Deputies and communal councilors, and every six years for that of Senators.

They may not concern themselves with any other subject than those attributed to them by the present Constitution.

They are expected to be dissolved upon the accomplishment of their specified purposes.

ART. 118. The law prescribes the conditions necessary to exercise the right to vote in the primary assemblies.

TITLE VI

Concerning the Prefectoral Establishment

ART. 119. The office of prefect is created in the Departments and, in case of necessity, in the *arrondissements*.

The prefects are the direct and civil representatives of the Executive, who appoints them.

They exercise an effective control in the Department or the *arrondissement*.

The law determines their powers.

ART. 120. Prefects, communal magistrates, officials or chiefs of the public services, commissioners of government in the county seats in which a court

functions, justices of the peace, and inspectors of schools form the council of the prefecture, which meets twice annually in the county seat of the prefecture to study all regional questions and the conditions of accomplishment of any program of regional action.

TITLE VII

Concerning Finances

ART. 121. The public revenues or the finances of the State are constituted by imposts, taxes, and the income accruing from the agricultural, industrial, and commercial enterprises of the State, or from institutions of credit.

ART. 122. Imposts for the benefit of the State and the communes may not be established except by law.

A law that establishes imposts may have effect for only one year.

ART. 123. Direct imposition of taxes rests on the principle of graduation and is calculated in proportion to the importance of the property, wages, and income.

An impost is a levy by the State proportionate to the property of the taxpayer, while an assessment represents a direct charge for a service rendered.

ART. 124. No emission of money may take place except by virtue of a law, which determines the use and fixes the total sum.

In no case may the total sum be exceeded.

ART. 125. No exceptions may be established in matters of taxation. No exemption and no increase or diminution of taxes may be established except by law.

ART. 126. No pension, gratuity, subvention, or allocation whatsoever, as a charge on the public treasury, may be granted except by virtue of a law proposed by the Executive.

ART. 127. Plurality of offices remunerated by the State is formally prohibited except in secondary and higher education.

ART. 128. The budget of each ministerial department is divided into chapters and sections and must be voted article by article.

Transfer of items is formally prohibited.

No sum allotted for one chapter may be transferred to the credit of another chapter and employed for other expenditures without a law.

The Secretary of State of Finances is expected, under his personal responsibility, to use each month for each ministerial department no more than one twelfth of the sums voted in the budget, unless by a decision of the Council of Secretaries of State in extraordinary cases.

The general accounts of receipts and expenditures of the Republic are kept by the Secretary of State of Finances according to a method of accounting established by law.

The fiscal year begins October 1st and ends September 30th of the year following.

ART. 129. The Legislative Body decrees each year:

1st. The account of receipts and expenditures of the past year or of preceding years.

2nd. The general budget of the State, containing a review and the allocation of funds intended for the year for each ministerial department.

However, no proposal or amendment may be introduced in the budget without a corresponding provision of ways and means.

No alteration may be made either to increase or diminish the salaries of public officials except by a modification of the laws and regulations.

ART. 130. The general accounts of the budget, prescribed by the preceding article, must be submitted to the legislative Chambers by the Secretary of State of Finances not later than fifteen days after the opening of the legislative session.

The same is true of the annual balance sheet and of the operations of the national bank of the Republic of Haiti, of the lottery of the Haitian State, of social welfare, and of all other accounts that are the inalienable property of the Haitian State.

The legislative Chambers may abstain from all legislative work until these documents are presented to them. They may refuse approval to the Secretaries of State and even approval of the budget when the accounts presented do not provide, in themselves or by supporting documents, all of the necessary means of verification and valuation.

ART. 131. The examination and liquidation of the accounts of the general administration and of all those in debt to the public treasury will be in accordance with the method established by law, by a chamber of accounts, the organization and functioning of which will likewise be determined by law.

Members of the chamber of accounts, to the number of seven, will be elected by the Chamber of Deputies from a list of three candidates for [each] seat presented by the Senate of the Republic.

Aside from an audit of accounts, its powers should include:

1st. A study of the legality of expenditures.

2nd. A study of all contract proposals that bind the State or come under its control, for testimony to be taken and submitted to the parliament before any vote.

ART. 132. In case the Legislative Body for any reason whatsoever, except those of non-presentation of the documents prescribed by Article 130 or of insufficiency of supporting documents, does not decree the budget for one or more ministerial departments before its adjournment, the budgets of the departments concerned that are in force during the current budgetary year will be maintained for the following budgetary year.

In a case in which, by the fault of the Executive, the budgets of the Republic have not been voted, the President of the Republic will immediately

convoke the legislative Chambers in extraordinary session for the sole purpose of voting the budgets of the State, except for the constitutional penalties that may be levied against the responsible Ministers.

TITLE VIII

Concerning the Public Force

ART. 133. A public force, designated by the name of the army of Haiti, is established for the internal and external security of the Republic and the guarantee of the rights of the people.

The organization of this force and of the tribunals upon which it depends is fixed by law.

Judgments in matters of military offenses are not subject to revision except by the Tribunal of Cassation.

Military service is obligatory. A law will fix the manner of recruitment of soldiers and the duration of the service.

Soldiers in active service are not eligible for representative or executive offices. Any candidate for one or the other of these offices must resign at least one year before the date fixed for the elections.

ART. 134. The functions of the police are separate from those of the army, and are confided to special agents subject to civil and penal responsibility, in the form and conditions regulated by law.

ART. 135. Soldiers in active service may not be called to any other public office.

TITLE IX

General Provisions

ART. 136. The national colors are blue and red, placed horizontally.

The arms of the Republic are: a palm tree surmounted by a liberty bonnet decorated with a trophy with the legend "Union Makes Strength."

The national hymn is "La Dessalinienne."

ART. 137. A national museum is created.

The State will establish a register containing a detailed inventory of the historic or artistic pieces that are deposited. It will carefully assure the protection and perfect preservation of the aforementioned pieces.

The State will also protect places that are remarkable for their natural beauty, artistic value, or recognized history.

ART. 138. No oath may be imposed except by virtue of the Constitution or a law.

ART. 139. The national holidays are those of Independence, January 1st; Agriculture and Labor, May 1st; and the Flag, May 18th.

Legal holidays are determined by law.

ART. 140. No law, decree, or regulation of the public administration is

obligatory until after it has been published in the form determined by law.

ART. 141. All elections are made by secret ballot.

ART. 142. No town [or] part of the territory may be declared in a state of siege except in case of civil disturbance [or] imminent invasion on the part of a foreign force.

The act of the President of Haiti declaring a state of siege must be signed by the Council of Secretaries of State and implies the immediate convocation of the Legislative Body to pronounce judgment on the expediency of the measure.

The Legislative Body will decide with the Executive the constitutional guarantees that may be suspended in the parts of the territory put under state of siege.

ART. 143. The effects of the state of siege are regulated by a special law.

ART. 144. The codes of civil, commercial, penal, and criminal investigation laws and all laws related to them are maintained in all that is not contrary to the present Constitution.

All provisions of laws and all orders, decrees, regulations, and other acts that are contrary to it remain abrogated.

TITLE X

Concerning the Revision of the Constitution

ART. 145. The legislative branch, on the initiative of one of the two Chambers or of the Executive, has the right to declare that there is reason to revise certain constitutional provisions that it designates.

This declaration, which may be made only in the course of the last regular session of a legislative term, is immediately published in the whole extent of the territory.

ART. 146. At the first session of the current legislative term, the Chambers are joined in National Assembly and pass on the proposed revision.

ART. 147. The National Assembly may not deliberate on this revision unless at least two-thirds of the elected members are present.

No declaration may be made and no alteration may be adopted except by a majority of two-thirds of the votes.

ART. 148. All popular consultation tending to modify the Constitution by means of a referendum is formally prohibited.

TITLE XI

Transitory Provisions

ART. A. The duration of the term of the present President of the Republic ends May 15th, 1952.

ART. B. The present Deputies, elected under the authority of the decree

of convocation of the military executive committee, will exercise their mandate until the first Monday of April, 1950.

The present Senators, elected under the authority of the decree of convocation of the military executive committee, will exercise their mandate until the first Monday of April, 1952.

ART. C. The term of the present communal councilors ends January 15th, 1950.

ART. D. The principle of the non-retroactivity of laws is not opposed to there being taken, within the legal framework and in so far as the five years last preceding the present Constitution are concerned, any measures of redress and punishment that the national interest may command.

ART. E. The Executive is authorized to carry out, within the four months from the date of the publication of the present Constitution, any changes in the personnel of tribunals that he may deem necessary.

ART. F. The present Constitution enters into force from the date of publication, which will be made in *Le Moniteur*.

Given at the Palace of the National Constituent Assembly, at Port-au-Prince, November 22nd, 1946, the 143rd year of independence.

Honduras



[For comment about the Central American confederation, 1824-39, see the historical note on Guatemala. For comment about the federal union of 1898, see the historical note on Nicaragua.]

THE first Honduran constitution dated from the period of the confederation. The charter was patterned after that of the union adopted in 1824. The Honduran law was signed by the constituent assembly on December 11, 1825. The next constitution was stillborn. It was signed on November 28, 1831, but could not be put into effect because of the disturbed political conditions prevailing in 1831-32. It was significant, however, because of its unqualified acceptance of the doctrine of the social contract as a basis. Disintegration of the confederation and the admitted failure of the constitution of 1825 led to the election of a constituent assembly in 1838 which, on January 11, 1839, signed a new constitution, the first for an independent Honduras and the second to be operative. Some of the innovations introduced by it have exercised persistent influence.

The third constitution was adopted a few years later by a Conservative administration; it dates from February 4, 1848. Despite the change in party control, the new law did not depart radically from its predecessor, except that it provided for a bicameral legislature. Two almost identical constitutions followed—September 28, 1865, and December 23, 1873. Both were enacted by Liberal administrations but were strongly influenced by the 1848 law. The following two constitutions, those of November 1, 1880, and October 14, 1894, "represent the highest point reached in the legal development of free, representative government in Honduras." That of 1880 reflected a certain ideological impact from the Barrios regime in Guatemala; it also gave more meaning to representative government. The law of 1894, in particular, represented intellectual and social movements that were current in Honduras at the time. It was longer but less original than the instrument of 1880.

At the instance of President Bonilla in 1904, a new constitution was drafted. Modeled largely after that of 1894, it was signed on September 15, 1904, but was not put into operation until January 1, 1906. The constitution remained in effect for but little more than a year because of the ousting of the executive by revolution in 1907. The constitution of 1894 was restored on February 8, 1908, and continued in effect until 1924. By the early 1920's, however, the conviction gained ground that the 1894 document was outmoded. Political

disturbances led to the convocation of a constituent assembly in 1924 which signed a new constitution on September 10. This document, too, showed much parallelism with that of 1894; but one innovation was the introduction of certain suggestions of parliamentary government.

Opposition to the 1924 constitution crystallized in the mid-1930's and resulted in the election of a constituent assembly in 1936 which on March 28 signed the present constitution, based largely on the 1924 law. The present constitution is Honduras' tenth to become operative.

POLITICAL CONSTITUTION OF HONDURAS

TITLE I

SOLE CHAPTER

Concerning the Nation

ARTICLE 1. Honduras is a free, sovereign, and independent Nation.

The interference of a foreign government in its internal affairs is an attack on its sovereignty.

ART. 2. National sovereignty resides in the sum total of all Hondurans, who delegate its exercise to the authorities that this Constitution establishes.

ART. 3. All public power emanates from the people.

State officials have no further authority than that expressly given to them by law.

Any act that they may execute outside of the law is null.

ART. 4. The boundaries of Honduras and its territorial division shall be fixed by law.

ART. 5. No authority shall negotiate pacts, treaties, or conventions that compromise the sovereignty and independence of the Republic.

The resulting liability may, at any time, fall on those who have made such agreements or contributed to their execution.

TITLE II

Concerning Nationality and Sovereignty

CHAPTER I

Concerning Hondurans

ART. 6. Hondurans are native or naturalized.

ART. 7. Natives are:

1st. Those born in the national territory, with the exception of children of diplomatic agents and transient aliens.

2nd. Children of a Honduran father or mother, born in a foreign country, from the moment they begin to reside in Honduras; and even without this requirement, when, according to the laws on place of birth, the Honduran nationality belongs to them, or they may choose it if they have the right to do so. Treaties may modify the provisions of this number [i.e., clause].

ART. 8. No Honduran born in the territory of the Nation possesses any other nationality, distinct from that of Honduras, while he resides in the country.

ART. 9. Neither matrimony nor its dissolution affects the nationality of husband, wife, or their children.

ART. 10. Natives of other Republics of Central America, who, after a year of residence in this country, may manifest in writing before the proper authority their desire to be Hondurans, and who fulfill the legal requirements, shall be considered as native Hondurans, provided reciprocity exists in the country of their origin and as far as this reciprocity extends.

ART. 11. Naturalized Hondurans are:

1st. Spaniards and Latin Americans who have two years of residence in the country.

2nd. Other aliens who have resided in the country for more than four years consecutively.

In both cases the applicant must previously renounce his nationality before the proper authority and manifest his desire to adopt Honduran nationality.

3rd. Those who obtain a letter of naturalization issued by the national Congress.

ART. 12. Honduran nationality shall be lost:

1st. By voluntary naturalization in a foreign country.

2nd. By cancellation of the letter of naturalization issued by the national Congress.

3rd. By lending service to the enemies of Honduras or of her allies in time of war.

ART. 13. In the case of Number 3 of the previous article, nationality may be recovered by legislative decree.

ART. 14. Every Honduran is required to defend the Fatherland, to respect the authorities, and to contribute to the support of the Nation and to its moral and material aggrandizement.

CHAPTER II

Concerning Aliens

ART. 15. Aliens are obliged, from their entrance into the territory of the Republic, to respect the authorities and comply with the laws.

ART. 16. Aliens shall enjoy in Honduras all the civil rights of Hondurans.

ART. 17. They may acquire all kinds of property in the country, according to law; and they are subject to all ordinary taxes and to the special ones of a general nature that may be obligatory for Hondurans.

ART. 18. They may make claims and demand indemnification from the State only in the form and in the cases when Hondurans may do so.

They cannot hold public offices or employment, including those connected with different denominations established in the country, under penalty of expulsion; but they may occupy positions in education and the arts, and in any other field not included in the prohibition.

ART. 19. Aliens may not have recourse to diplomatic channels except in

cases of a denial of justice. For this purpose, denial of justice is not understood to mean an executed verdict that is unfavorable to the claimant.

Should this provision be contravened, and claims are not terminated amicably, resulting in loss to the country, the claimant shall forfeit his right to live in the country.

ART. 20. Extradition may only be granted, by virtue of a law or by treaty, for serious offenses; never for political offenses, even though the consequences of these may result in a common crime.

ART. 21. The laws shall establish the manner and cases in which an alien may be denied entrance to the national territory or may be ordered to be expelled because he is declared to be undesirable.

ART. 22. Laws and treaties shall regulate the usage of these guarantecs, but cannot alter them.

ART. 23. The provisions of this chapter do not modify the treaties existing between Honduras and other Nations.

CHAPTER III

Concerning Citizens

ART. 24. Citizens are:

- 1st. All male Hondurans more than twenty-one years of age.
- 2nd. All male Hondurans more than eighteen years of age who are married.
- 3rd. All male Hondurans more than eighteen years of age who can read and write.

ART. 25. The rights of citizenship are: to exercise the suffrage and to be eligible for public offices, according to law.

Persons holding high positions in the army or the police shall not exercise the suffrage; but they shall be eligible in cases not prohibited by law.

ART. 26. The status of citizenship may be suspended, lost, or re-established according to the following prescriptions:

It shall be suspended:

- 1st. For prison sentence, declaration of a criminal verdict, or the declaration of just cause for suit.
- 2nd. For a sentence that especially provides for loss of political rights.
- 3rd. For civil interdiction, for being declared a fraudulent debtor, or for vagrancy legally declared.

It shall be lost:

- 1st. For accepting, without the necessary permission, decorations which imply obedience or submission to the government that confers them.
- 2nd. For accepting employment, either military or political, from a foreign nation without necessary permission.
- 3rd. For aiding an alien or a foreign government against the Nation in any diplomatic claim or before an international court.

It shall be regained:

1st. By confirmed stay of proceedings.

2nd. By absolute acquittal.

3rd. By completion of sentence.

4th. By amnesty or pardon.

5th. By rehabilitation according to law.

ART. 27. The active vote is a public, obligatory, and irrenounceable function.

ART. 28. Suffrage shall be exercised in a direct and secret manner.

Elections shall be held in the form and under the conditions prescribed by law.

ART. 29. Only citizens more than twenty-one years of age, who are in possession of their rights, are eligible to vote, with the exceptions established by law.

TITLE III

Concerning Rights and Guarantees

ART. 30. The Constitution guarantees to all inhabitants of Honduras, whether they be natives or aliens, inviolability of human life, individual security, liberty, equality before the law, and property.

CHAPTER I

Concerning the Inviolability of Human Life

ART. 31. The penalty of death is abolished in Honduras; but while the penal system is being established, it shall be applied in cases determined by law, only to parricides, assassins, and traitors when the latter are in active service and on campaign.

Sentences issued in suits instituted for these crimes shall be deliberated on by the courts of appeals and the decision of the latter shall be sent to the Supreme Court of Justice for review if common crimes are involved, and to the military court of the Republic if the offense is of a military nature.

The Supreme Court of Justice, as well as the military court of the Republic, shall render a decision based only on the proceedings.

CHAPTER II

Concerning Individual Security

ART. 32. The Constitution recognizes the guarantee of *habeas corpus*. In consequence, any person illegally detained, or any other person in his name, has the right to appeal to the respective tribunal verbally or in writing, requesting the exhibition of the person detained.

ART. 33. Any person has the right to request protection against transgression

or arbitrary action of which he may be the victim, and to require the exercise of all the guarantees that this Constitution establishes, when he may be unduly prevented in the enjoyment of these guarantees by laws or acts of any authority, agent, or public official.

ART. 34. An order of arrest not issued by a competent authority, or one issued without the legal formalities required, is contrary to law.

ART. 35. Detention for inquiry shall not exceed six days.

ART. 36. Persons arrested and held incommunicado shall not be held for more than forty-eight hours.

ART. 37. An order for detention in prison shall not be issued without previous full proof that a crime or simple offense meriting the penalty of deprivation of liberty has been committed, and without a rational suspicion of its author. The declaration of the criminal shall be made in the same manner.

ART. 38. Imprisonment for debts is prohibited except when fraud is present.

ART. 39. Imprisonment or arrest is permitted as punishment, or as a detainer, in the cases and for the terms established by law. The detention may not exceed thirty days.

ART. 40. An offender caught *in flagrante delicto* may be apprehended by any person in order to deliver him to the proper authority.

ART. 41. No person shall be imprisoned or detained except in places established by law. Jails shall serve only for the safekeeping of indicted persons or those serving terms of punishment.

ART. 42. No person shall be brought to a jail or detained therein, even with an order of arrest, if he presents sufficient bond, when the offense committed does not carry a penalty of more than three years.

ART. 43. No person shall be tried by special commissions or by other judges than those designated by law.

ART. 44. The right of self-defense is inviolable.

ART. 45. In criminal suits no person shall be obliged to testify against himself, against his spouse, or against his relatives within the fourth degree of consanguinity, or the second of affinity.

ART. 46. No person shall be harassed or persecuted because of his opinions. Private actions that do not disturb public order, or that do not cause injury to a third person, shall always be outside of the action of the law.

ART. 47. Whipping, beating with sticks, and all kinds of torture are absolutely forbidden. Unnecessary imprisonment and all undue punishment are also forbidden.

ART. 48. The residence of every person is an inviolable asylum, that shall not be entered except by authority, in the following cases:

1st. To remove a criminal surprised *in flagrante delicto*.

2nd. Because an offense is being committed inside the habitation, because of scandalous disorder that requires immediate remedy, or because of a complaint from the interior of the house.

3rd. In case of fire, earthquake, flood, epidemic, or other analogous situations; and to make any visit or inspection for purely sanitary purposes.

4th. To free a person held illegally.

5th. To obtain articles sought for a suit, regarding which there is at least some proof of the existence of said articles; and to execute a legally decreed judicial provision.

6th. To apprehend an accused person, whose order for arrest or imprisonment has been obtained previously, some proof being established that he is hidden in the house to be searched.

7th. In the last two cases, search of a house may not be made without a written order from a competent authority.

ART. 49. If the domicile to be searched is not the dwelling of the accused person, the authority or its agents shall, before entering, request permission to enter from the person residing therein.

ART. 50. Searching of domiciles shall not be made from seven at night until six in the morning without permission of the head of the house.

ART. 51. Correspondence by letter and telegraph and private papers are inviolable, except for what is especially provided by the law of state of siege.

Neither the Executive nor his agents may remove, open, or detain such correspondence. If it has been taken from the mails or from any other place, it may not be introduced in a trial.

ART. 52. Private correspondence, papers, or books may only be seized by the order of a competent judge, for the civil or criminal suits determined by law, and shall be registered in the presence of the owner, or, in his absence, of two witnesses; all papers having no relation to the investigation shall be returned.

ART. 53. Proscriptive, confiscatory laws are prohibited, as well as those ordering inhuman or perpetual punishment.

The duration of penalties shall not exceed twelve years, or twenty years for an accumulation for various offenses.

ART. 54. No law shall have retroactive effect, except in criminal matters when the new law favors the offender or indicted person.

ART. 55. Police duty shall be confided only to civil authorities.

ART. 56. The laws shall fix the order and form of procedure in civil and criminal matters.

CHAPTER III

Concerning Liberty

ART. 57. The Church is separate from the State.

The free exercise of all religions that are not opposed to the laws of the country is guaranteed.

Subsidies for denominations or for religious instruction are prohibited.

ART. 58. No religious act shall serve to establish the civil status of a person.

ART. 59. Every person may freely, without previous censure, express his opinions orally or in writing, by means of the press or by any other procedure, without exemption from the responsibility for the offenses and abuses that he commits in the exercise of this liberty, in the form and cases determined by law.

In no case may the printing press or other accessories be confiscated as instruments of the offense.

ART. 60. Freedom of instruction is guaranteed. Teaching maintained by public funds shall be laical, and primary instruction, furthermore, shall be free of charge, obligatory, paid for by the municipalities, and subsidized by the State.

ART. 61. Freedom of assembly without arms and that of association for any legitimate purpose are guaranteed.

The establishment of any kind of monastic association is prohibited. The entrance into the country of individuals belonging to these associations shall be regulated by law.

ART. 62. Industry and commerce are free; but alcohol, *aguardiente*, saltpeter, gunpowder, firearms, munitions of war, and explosives used in military practice are to be monopolized for the benefit of the State.

Traffic in sedatives or drugs derived from heroin shall be regulated by law or by international conventions.

ART. 63. There shall be no monopolies in favor of private individuals.

Privileges may be granted for a period that does not exceed ten years. A term limited to ninety years may be granted concessions to promote the introduction or improvement of new industries, for immigration, institutions of credit, the opening of routes of communication, or colonization projects.

In the cases above mentioned, only the established regulations and taxes may be suspended, but the public charges for establishment may not be abolished in any case or in any way, in concessions and treaties.

In the concessions it grants or the treaties it makes, the State may not dispense with the payment of municipal taxes.

When the term of a concession relative to colonization, immigration, or the opening of means of communication has elapsed, the enterprise, in full operation and with all its accessories, shall pass to the ownership of the State, without any remuneration.

ART. 64. Any person may acquire property and dispose of it by any title, within the limitations established by law.

ART. 65. Entails in favor of, or entire estates given to, religious institutions are prohibited.

ART. 66. Any person or assembly of persons has the right to direct their petitions to legally established authorities for consideration, and to have the decision communicated to them.

ART. 67. Any person may enter the territory of the Republic, leave it,

travel within its boundaries, and change residence, in conformity with the laws.

ART. 68. Inhabitants of the Republic have the right of possessing and carrying arms, according to the law.

CHAPTER IV

Concerning Equality

ART. 69. All Hondurans are equal before the law.

The Republic does not recognize exemptions or personal privileges.

ART. 70. The accumulation of salaried offices or employment, even with the character of interim service, is prohibited, except for those in teaching and those of military surgeons; the latter may occupy positions in health departments.

ART. 71. Ministers of the various religions shall not exercise public offices.

ART. 72. Proportionality shall be the basis of direct taxes.

CHAPTER V

Concerning Property

ART. 73. No person shall be deprived of his property except by virtue of a law or by a sentence founded on law.

ART. 74. Expropriation of real property, for reasons of public necessity or utility, shall be determined by law or by a judgment founded on law, and shall not be executed without previous indemnification.

ART. 75. The right to own property shall not prejudice the right of eminent domain of the State within its territorial boundaries, nor can it supersede the rights maintained by national institutions or works of a national character.

ART. 76. Every inventor shall enjoy exclusive property rights in his work or discovery, for the period that the law determines.

ART. 77. The right to regain possession of confiscated property is imprescriptible.

ART. 78. Only the Congress may impose taxes and other public charges.

ART. 79. All services that are not given gratuitously by virtue of law, or by a judgment based on law, must be remunerated.

ART. 80. No person having the free administration of his property may be deprived of the right to settle his civil affairs by agreement or arbitration.

CHAPTER VI

Other Guarantees

ART. 81. The enumeration of rights and guarantees made in this Constitution does not exclude those not enumerated that may rise from the prin-

ciple of the sovereignty of the people and the republican form of government.

ART. 82. Laws that regulate the exercise of such guarantees and rights shall be null in so far as they decrease, restrict, or pervert them.

CHAPTER VII

Concerning the Suspension of Guarantees

ART. 83. The guarantees established in Articles 32, 34, 35, 42, 48, 49, 50, 51, 52, 59, the first paragraph of 61, 67, 73, and 79 may be suspended temporarily, in all or part of the Republic, when the safety of the State so requires because of invasion of the territory, serious disturbance of order that threatens public peace, an epidemic, or other calamity.

During the suspension, the territory in which the afore-mentioned guarantees were suspended shall be governed by the law of state of siege; but the suspension of any other guarantees than those mentioned cannot be made by the said law or by any other.

During the suspension of the afore-mentioned guarantees, declaration of new offenses shall not be made, nor shall other penalties be imposed save those established in laws existing at the time of the decree of suspension.

ART. 84. The suspension of guarantees may be decreed only by the Congress, or, if it is not in session, by the Executive; but the latter may not decree suspension for more than sixty days, except by a new declaration. In all cases he must give an account to the Congress of the measures taken during the suspension of guarantees.

ART. 85. If the Executive violates any of the provisions contained in this chapter, the injured party, or any person in his name, may have recourse for protection.

TITLE IV

Concerning the Form of Government

SOLE CHAPTER

ART. 86. The Government of Honduras is republican, democratic, and representative. It is exercised by three independent powers: the legislative, the executive, and the judicial.

ART. 87. None of the constituted powers shall execute acts in which the established form of Government is altered, or the integrity of the territory or national sovereignty is impaired.

ART. 88. The provisions of this Constitution do not oppose treaties that may be negotiated with one or more sections of the former Republic of Central America with the idea of returning to a union.

TITLE V

Concerning the Legislative Power

CHAPTER I

Concerning Its Organization

ART. 89. The legislative power shall be exercised by a Congress of Deputies. This body shall meet in the capital of the Republic, in regular session, on December 5th of each year, without the need of convocation.

Deputies shall be citizens in the exercise of their rights, more than twenty-five years of age, Hondurans by birth, and natives or residents of the Department from which they may be elected.

ART. 90. Sessions of the national Congress shall continue for sixty days, which may be extended for forty days when matters of current interest require it.

ART. 91. The Congress may also have extraordinary sessions when so agreed by two-thirds of the votes of its members, or when it may be convoked by the Executive.

In the latter case it shall deal only with the matters that caused the respective decrees.

ART. 92. After the Congress is installed in the capital it can agree to transfer to some other city.

ART. 93. On December 1st of each year the Deputies shall assemble in preparatory council, and with an attendance of at least five, shall organize a directory to enact the measures necessary for the installation of the Congress.

ART. 94. Two-thirds of the members who compose the Congress shall be sufficient to conduct sessions.

ART. 95. Five Deputies may convoke the Congress in extraordinary session, at any place in the Republic, when the Executive may have prevented its installation or its sessions, or may have dissolved it.

ART. 96. Deputies shall be elected for a term of six years, counted from the day when the departmental boards declare or execute the election; and they may be re-elected.

In case of the permanent absence of a Deputy, a substitute appointed by the Congress shall complete his term.

ART. 97. The following may not be Deputies:

1st. Secretaries and Subsecretaries of State.

2nd. Officials of the executive branch, except teachers.

3rd. Magistrates of the Supreme Court of Justice and of the courts of appeals, scholastic judges, registrars of property, and officials of the Public Ministry.

4th. Members of the superior tribunal of accounts and the Auditor General of the treasury.

5th. Diplomatic and consular agents.

6th. Soldiers in active service.

7th. Contractors of *aguardiente* and those of public works or services paid for with national funds, and those who have claims against the State because of such contracts.

8th. Delinquent debtors of the public treasury and those having unpaid accounts for the administration of the funds of the same.

9th. Relatives of the President of the Republic and of the Secretaries of State within the fourth degree of consanguinity or affinity.

ART. 98. Deputies shall, from the day of their election, enjoy the following prerogatives:

1st. Personal immunity from detention, indictment, or suit, even if a state of siege exists, unless the Congress declares previously that cause for suit is present.

2nd. Immunity from civil actions for fifteen days before and fifteen days after regular or extraordinary sessions of the Congress, except in case of reconvening for withdrawal of immunity.

3rd. Exemption from military service, without consent.

4th. Exemption from banishment from the Republic or imprisonment during the term for which they are elected.

5th. Exemption from responsibility at any time for their parliamentary opinions or initiative.

ART. 99. Deputies shall not be obliged to accept public offices. If they voluntarily accept any of those comprehended in Article 97, they cease, by the same act, to be Deputies.

ART. 100. The election of Deputies to the Congress shall be on the basis of one incumbent and one substitute Deputy for each 25,000 inhabitants. If there should be fractions, one additional Deputy shall be elected for each fraction that exceeds half of the basis.

Nevertheless, Departments that may have a smaller population shall elect one incumbent and one substitute Deputy.

CHAPTER II

Concerning the Duties of the Congress

ART. 101. The duties of the Congress are the following:

1st. To open, suspend, and close its sessions.

2nd. To convoke extraordinary sessions when deemed necessary.

3rd. To judge the election of members, considering their credentials, and to receive the oath of office from them.

4th. To call the respective substitutes in case of the permanent absence

of or legitimate hindrance to the incumbent Deputies; and to order filled the vacancies that occur.

5th. To accept resignations of members for legal causes duly verified.

6th. To formulate its by-laws.

7th. To call elections for the supreme authorities.

8th. To scrutinize the votes for President and Vice-President of the Republic, and to declare elected the citizens who have obtained an absolute majority.

9th. In case an absolute majority is not obtained, to elect a President and Vice-President from the two citizens who obtained the greatest number of popular votes for each office. If the Congress does not make the declaration or the election of President and Vice-President within twenty days, counted from their installation, the Supreme Court of Justice shall do so within the seven days preceding the date fixed for taking possession of these offices, said Court being authorized, in this case, to receive the oath of office of those elected.

When the same citizen is elected to more than one office, preference shall be determined in the following order: 1st, President; 2nd, Vice-President; 3rd, Deputy. The position of incumbent shall be preferred to that of substitute.

10th. To elect, for the constitutional term, five incumbent Magistrates of the Supreme Court of Justice and three substitute Magistrates. To elect, in case of the permanent absence of any of them, the person who shall complete his term.

11th. To elect the chief and assistant auditors, both incumbents and substitutes, of the superior tribunal of accounts; to elect the Auditor General of the treasury and the treasurer of justice.

12th. To receive the constitutional oath from the officials whom it elects or declares elected, to accept or refuse their resignation, including those of officials declared elected by the Supreme Court of Justice in the case of Number 9 of this article.

13th. To change the residence of the supreme authorities for serious causes.

14th. To declare that grounds exist for proceeding against the President and Vice-President of the Republic, Deputies, Magistrates of the Supreme Court of Justice, Secretaries of State, and diplomatic agents during their terms of office.

15th. To grant amnesty for political offenses.

Aside from this case, the Congress may not enact decisions by way of grace.

16th. To award honors and grant temporary privileges to authors or inventors and to those who have introduced new industries or perfected existing ones of general utility.

17th. To grant or refuse permission for Hondurans to accept in this country employment or decorations from another nation.

18th. To approve, modify, or refuse contracts made by the Executive in the cases of Article 63, or when their effects may be prolonged to the following presidential term.

19th. To approve or censure the conduct of the Executive.

20th. To declare the whole Republic or part of it in a state of siege, according to law.

21st. To confer ranks from major to general of division, at the initiative of the Executive

22nd. To grant or refuse passage through the Republic to troops of another country.

23rd. To declare war and to make peace.

24th. To take any measures necessary for the security and defense of the Republic.

25th. To approve or disapprove treaties negotiated with other nations.

26th. To fix, in every regular session, the number of forces of the permanent army.

27th. To approve or disapprove accounts of public expenditures, when they exceed the amounts stipulated in the general budget of expenditures.

28th. To create and abolish positions and to decree honors and pensions for outstanding services rendered the Fatherland.

29th. To grant subventions for purposes of public utility; to decree subsidies to promote new industries or to improve those existing.

30th. To fix annually the general budget of expenditures, taking as a base the probable income; it can be prorogued to the following year.

31st. To decree the weight, fineness, and kind of national money and the standard of weights and measures.

32nd. To exercise the supreme control over public revenues.

33rd. To levy taxes and other public charges.

34th. To regulate the payment of the national debt.

35th. To decree loans.

36th. To approve or disapprove the transfer of national property or its application to public uses.

37th. To regulate maritime, terrestrial, and aerial commerce.

38th. To keep harbors in good condition; to create and abolish customs houses.

39th. To decree, interpret, amend, and repeal laws.

40th. To make laws for the control of international exchange and for the stabilization of the monetary system.

41st. To establish the national emblems.

42nd. To perform other duties confided by law.

Art. 102. The Legislature may not provide or declare civil status for per-

sons, or grant professional degrees. The studies and formalities for the obtaining of such degrees, required by the laws of public instruction, may not be dispensed with unless the general character of these laws is changed.

ART. 103. The powers of the Legislature may not be delegated except those referring to the inauguration of high officials.

CHAPTER III

Concerning the Formation, Approval, and Promulgation of Laws

ART. 104. Only Deputies, the President of the Republic by means of the Secretaries of State, and the Supreme Court of Justice in matters within its competence, may initiate bills.

When the Congress considers the adoption of a law necessary, it shall appoint a committee of its members to formulate the corresponding bill.

ART. 105. No bill shall be finally passed without discussions on three different days, except in case of urgency approved by a two-thirds vote.

ART. 106. On approval by the Congress, every bill shall pass to the Executive within three days, at the latest, after it has been voted, for his approval and promulgation as law.

ART. 107. Approval of the law shall be made by this formula: "Therefore: Let it be enacted."

ART. 108. If the Executive finds objections to approving the bill, he shall return it to the Congress within ten days with this formula: "Returned to the Congress," giving the reasons for his disapproval. If, in the period stated, he does not object to it, it shall be considered as approved and shall be promulgated as law.

When the Executive has returned a bill, the Congress shall submit it to a new deliberation and, if it is passed by a two-thirds vote, it shall again be returned to the Executive with this formula: "Constitutionally ratified," and he shall publish it without delay.

Should the veto be founded on the supposition that the bill is unconstitutional, it shall not be submitted to a new deliberation without hearing previously the opinion of the Supreme Court of Justice. The latter shall give a report within the time indicated by the Congress.

ART. 109. When the Congress passes a bill at the end of its sessions and the Executive believes it inexpedient to approve it, he shall be obliged to give information of this fact immediately so that the Congress may remain in session for as long as ten days, counted from the date on which the President received the bill, and if this is not done, it shall be carried out in the first eight days of the sessions of the following Congress.

ART. 110. The following acts and resolutions do not require approval and may not be vetoed by the Executive:

1st. Those connected with elections made or declared by the Congress or with resignations that it accepts or refuses.

2nd. Those referring to the declaration of whether or not there are grounds for the filing of charges.

3rd. Those regarding the budget law.

4th. Decrees that refer to the conduct of the Executive.

5th. Regulations issued for its internal government.

6th. Decisions to transfer its residence to another place, temporarily, to suspend its sessions, or to call extraordinary sessions.

7th. Those regarding treaties or contracts disapproved by the Congress.

In these cases, the Executive shall promulgate the law with this formula: "Therefore: Let it be published."

ART. 111. Provided that a bill that has not originated on the initiative of the Supreme Court of Justice has as its purpose the amendment or repeal of any of the provisions contained in the codes of the Republic, it cannot be discussed without the opinion of that tribunal. The Court shall deliver its report within the time designated by the Congress.

This provision does not include laws of a political, administrative, or economic character.

ART. 112. No bill partially or completely disapproved shall be considered again in the same legislative session.

ART. 113. A law is obligatory by virtue of its promulgation, after twenty days have elapsed from its publication in the official organ, *La Gaceta*.

However, the period referred to by this article may be restricted or lengthened by the law itself, and in special cases another form of promulgation may be ordered.

TITLE VI

Concerning the Executive Power

CHAPTER I

ART. 114. The executive power shall be exercised by a citizen entitled President of the Republic; in his default by a Vice-President; in default of the latter by the citizen who is president of the national Congress or has discharged this office in the last regular legislative term; and in default of this last, by the citizen president of the Supreme Court of Justice.

ART. 115. To be elected President or Vice-President of the Republic, it is necessary to be a citizen in possession of his rights, more than thirty years of age, and a Honduran by birth.

ART. 116. The President and Vice-President of the Republic shall be elected

popularly and directly, and their election shall be declared or made by the Congress or by the Supreme Court of Justice, as prescribed.

ART. 117. The presidential term shall be six years and shall begin January 1st.

ART. 118. The following may not be elected President and Vice-President of the Republic for the succeeding term:

1st. The citizen who exercised the presidency, regularly or as a substitute, in the course of one term.

2nd. Secretaries of State who occupy or have occupied their offices during the six months before the holding of the elections.

3rd. Relatives of the President and Vice-President of the Republic within the fourth degree of consanguinity or affinity.

ART. 119. In case of the temporary disability of the President of the Republic, the Vice-President shall substitute for him in his duties, and in default of the latter, the citizen stipulated in Article 114.

If the absence of the President is permanent, the Vice-President shall exercise the executive power for the remaining portion of the term; but should the Vice-President also be absent permanently, whoever substitutes for him by law shall call elections one month afterward for a constitutional term that shall begin January 1st following the convocation.

ART. 120. While the President is waiting to be legally summoned, the Council of Ministers shall exercise the executive power, and the latter shall immediately call the new official to inaugurate him in case the Congress is not in session.

CHAPTER II

Concerning the Duties of the Executive

ART. 121. The President of the Republic exercises the general administration of the country.

His duties are:

1st. To present, at the installation of each regular session of the Congress, a general report of the acts of his administration.

2nd. To present, by means of the respective Secretaries of State, within the first eight days of the installation of the Congress, a report or detailed account of all departments of the administration.

3rd. To approve laws, or to employ the veto in cases requiring it, and to promulgate those legislative provisions without delay that do not need the approval of the Executive.

4th. To execute the laws and have them enforced, issuing the necessary decrees and orders for this purpose, without altering the spirit of said laws.

5th. To see that all employees of the Republic perform the duties that the law imposes on them, without intervening in the exercise of their functions.

6th. To appoint Secretaries and Subsecretaries of State, special treasurers,

and other employees of the executive department, in conformity with the law.

7th. To remove employees whom he has freely appointed.

8th. To maintain intact the independence and honor of the Nation and the integrity of its territory.

9th. To preserve the internal peace and security of the Republic and to repel all foreign attacks or aggression.

10th. To declare war and to make peace; to permit or refuse, in the recess of the Congress, the passage through the Republic of land, naval, or aerial forces of another country.

11th. To exercise the chief command of land, sea, and air forces.

12th. To organize, distribute, and dispose of military forces, according to the needs of the Republic and in conformity with the law.

13th. To grant letters of marque and reprisal.

14th. To confer military ranks from second lieutenant to captain.

15th. To convene the Congress in extraordinary session.

16th. To order the filling of vacancies of Deputies, in the recess of the Congress, in conformity with the law, not later than one month after they have occurred.

17th. To give to the officials of the Judiciary the assistance and forces that may be necessary to make effective their decisions.

18th. To conclude treaties and any other diplomatic negotiations, submitting them for the ratification of the Congress in its next session.

19th. To direct foreign relations, appoint the diplomatic and consular agents of the Republic, receive the ministers and admit the consuls of foreign nations.

Diplomatic and consular agents who enjoy a salary must be Hondurans by birth, citizens in possession of their rights, and must have the necessary preparation for the discharge of the office.

20th. To collect the revenues of the State and regulate their disbursement, according to law.

21st. To decree, in case of invasion or internal war, a general and proportional loan, if the resources of the State may be insufficient, and to account to the Congress in its next session for its expenditure.

22nd. To declare all or part of the Republic in a state of siege, in recess of the Congress, in conformity with the law.

23rd. To grant letters of naturalization, according to law.

24th. To organize, direct, and promote public instruction and to disseminate popular knowledge.

25th. To publish monthly a statement of the income and expenditures of public revenues.

26th. To appoint, when he considers it desirable, technical committees for matters of importance or significance for the State.

27th. To oversee the soundness of the national money, prohibit the emission

and circulation of coupons, and to regulate the uniformity of weights and measures.

28th. To exercise the supreme direction of the security police.

29th. To grant pardons and commute penalties, according to law.

30th. Other duties required by law.

ART. 122. Decisions of the Executive that are not countersigned by the corresponding Secretary of State are unenforceable.

The President of the Republic and the Secretaries of State are responsible for the decisions that they issue in violation of the Constitution and the laws.

ART. 123. The Vice-President of the Republic shall enjoy the same prerogatives as the Deputies.

CHAPTER III

Concerning the Secretaries of State

ART. 124. For the general administration of the country there shall be four to seven Secretaries of State, among whom shall be distributed the departments of foreign relations, finance, public credit, war, navy, aviation, government, justice, charity, health, public education, development, labor, agriculture, and commerce.

ART. 125. Secretaries of State must be Hondurans by birth, more than twenty-five years of age, and citizens in possession of their rights.

ART. 126. The following may not be Secretaries of State:

1st. Relatives of the President or Vice-President of the Republic within the fourth degree of consanguinity or affinity.

2nd. Those who have administered or collected public funds, as long as they have not closed their accounts with solvency.

3rd. Contractors of *aguardiente* and those who contract for public works or services for the account of the Nation; and those who have pending claims for such contracts.

4th. Debtors of the public treasury.

ART. 127. Secretaries of State may attend the deliberations of the Congress, without vote.

At the request of any Deputy, the executive committee of the Congress may call them to attend and answer the interpellations directed to them referring to matters of administration; except those of the departments of war and foreign relations, if it is deemed necessary to withhold the information.

ART. 128. Subsecretaries of State shall have the same qualifications as the Secretaries, and shall substitute for the latter in the fulfillment of the law.

TITLE VII

Concerning the Judiciary

CHAPTER I

Concerning Its Organization

ART. 129. The judicial power of the Republic is exercised by a Supreme Court of Justice, by the courts of appeals, and by the lower judges established by law.

The Supreme Court shall reside in the capital of the Republic and shall be composed of five titular Magistrates. It shall also have three substitutes.

ART. 130. To be a Magistrate of the Supreme Court of Justice, it is necessary to be a citizen in possession of his rights, a Honduran by birth, an attorney, and more than thirty years of age.

ART. 131. Magistrates of the Supreme Court of Justice shall be elected by the national Congress.

ART. 132. Persons having any of the disqualifications established for Secretaries of State may not be elected Magistrates of the Supreme Court of Justice.

ART. 133. Magistrates of the courts of appeals shall be appointed from among attorneys who are more than twenty-five years of age.

ART. 134. Justices of the peace shall be appointed by the departmental or sectional scholastic judges.

ART. 135. Magistrates or judges related within the fourth degree of consanguinity or the second of affinity shall not sit on the same tribunal.

ART. 136. The term of Magistrates of the Supreme Court of Justice shall be six years and they shall take office January 1st.

ART. 137. The administration of justice in the Republic is free.

ART. 138. The same judge shall not hear different appeals of the same case.

Relatives within the fourth degree of consanguinity or the second of affinity shall not be judges in the same suit.

ART. 139. Magistrates, judges, and officials of the Public Ministry shall not be obliged to render military service, or to be present at military drills or exercises.

ART. 140. Tribunals of justice may require the assistance of the armed forces for the fulfillment of their decisions, and if it is refused them, or if none is at their disposal, they shall require it of the citizens. The person who, without just cause, refuses to give aid shall be liable for so doing.

ART. 141. It is the particular function of the courts and other tribunals of justice to judge and execute the judgment. The application of the law in concrete cases legally submitted to their jurisdiction belongs to them, and they shall refuse compliance when it may be contrary to the Constitution.

ART. 142. The law shall regulate the organization and duties of the tribunals of justice.

ART. 143. One of the titular Magistrates shall preside over the Supreme Court of Justice.

The functions of the president shall continue for one year, counting from January 1st, the Magistrates taking turns in the order of their length of service on the tribunal. When this procedure cannot be followed, the length of time the Magistrate has had his degree shall be the determining factor.

The Magistrates have a rank and precedence corresponding to the length of their service on the tribunal.

When the president of the Supreme Court of Justice becomes President of the Republic, the first office shall be filled in accordance with the by-laws of said tribunal.

CHAPTER II

Concerning the Duties of the Supreme Court

ART. 144. Beside the duties required by law, the Supreme Court of Justice shall be responsible for the following:

1st. The formulation of its by-laws.

2nd. Cognizance of the official and common crimes of high authorities, when the Congress has declared that there are grounds for suit.

3rd. Authorization for attorneys and notaries to practice their profession, whether they have received their degrees inside or outside of the Republic, and suspension of them; all in accordance with the law.

4th. A declaration as to whether or not there are grounds for suit against members of the superior tribunal of accounts, against the Auditor General of the treasury, and against the principal national or departmental employees, as determined by law.

5th. The hearing of cases related to captures, to extradition, and others that must be decided according to international law.

6th. Jurisdiction on appeal over sentences rendered in second instance.

7th. Appointment of the magistrates of the courts of appeals, the departmental and sectional judges, and the officials of the Public Ministry, in conformity with the law.

8th. Publication of *La Gaceta judicial*.

The expenses of this publication shall be taken from the funds of the Judiciary.

9th. To accept or refuse the resignation of officials of their own appointment, and to grant leaves of absence, not only to these, but to their own members.

Departmental or sectional judges shall accept or refuse the resignations of justices of the peace and shall grant leaves of absence to them.

CHAPTER III

Concerning Unconstitutionality and Revision

ART. 145. The claim of unconstitutionality of a law that refers to matters not capable of being tried before the tribunals may be established directly before the Supreme Court of Justice by any person whose rights are jeopardized when such a law is applied in a concrete case.

The law shall regulate the procedure for this recourse.

ART. 146. No power or authority shall transfer pending suits, nor open closed suits, except in the cases mentioned in the following article.

ART. 147. Criminal suits may be re-examined in favor of the condemned person at any time, on the petition of the latter, of any other person, or of the Public Ministry officially.

The law shall regulate the cases and form of the re-examination.

CHAPTER IV

Concerning the Treasury of Justice

ART. 148. A special treasury of justice shall be established for payment of salaries of the employees of the administration of justice and of the expenses of the same branch.

A law shall determine the revenue of said treasury.

TITLE VIII

Concerning the National Treasury

CHAPTER I

Concerning National Property

ART. 149. The public treasure of the Nation comprises:

1st. All its property, chattels, and real estate.

2nd. All of its active credits.

3rd. Income from duties, imposts, taxes, and other public charges.

ART. 150. The State shall have at all times the right to impose burdens on private property in lands and waters, whether national or foreign, in a manner dictated by general interest because of public necessity or utility, with previous indemnification.

ART. 151. To create an agricultural patrimony, the State shall give portions of land to native or naturalized Honduran families.

The law shall regulate the conditions of acquisition and the obligations of the recipient.

ART. 152. Direct and imprescriptible ownership of natural wealth found in the subsoil belongs to the State.

Its exploitation and profits shall be determined by the respective laws.

ART. 153. Full, inalienable, and imprescriptible dominion over waters of the territorial seas, within a zone of twelve kilometers measured from the lowest tide, belongs to the State; and the dominion, also full, inalienable, and imprescriptible, over its beaches and lakes, lagoons, inlets, rivers, and streams of constant currents. Streams that have their source and outlet on private property are excepted.

ART. 154. The use of the waters to which the previous article refers belongs to the inhabitants of the Nation; but the Government may make contracts relative to their use, without establishing exclusive rights and without damage to general or local ordinances regulating them.

ART. 155. Alienation of complete dominion over the following lands of the State is prohibited, except for family lots:

1st. Zones bounding neighboring States and those situated on the shores of both seas, to a distance of forty kilometers inland.

2nd. Communal lands of towns and villages.

3rd. Islands, keys, reefs, breakwaters, cliffs, hidden rocks, and sand banks.

4th. Surveyed lands with titles belonging to extinct indigenous tribes and those that belonged to villages and municipalities that no longer exist.

ART. 156. Fiscal property is imprescriptible.

ART. 157. The cultural wealth of the Nation comprises:

1st. All the artistic and historical wealth existing in the country, that shall be in the safekeeping of the State, which can prohibit its exportation and transfer, in which cases it may acquire said wealth for itself.

2nd. The ruins of ancient cities and archeological objects, that are inalienable and imprescriptible.

3rd. Places notable for their natural beauty or for their artistic or historical value.

The State shall organize a register of said cultural wealth, assume its custody, and establish the respective criminal penalties.

CHAPTER II

Concerning the Budget

ART. 158. The budget shall be fixed by the Congress, taking into consideration the plan presented by the Executive, and may be extended until the following year.

ART. 159. The calculation of probable revenues shall not exceed the average during the previous five years, plus a percentage not more than five, except in the case of the creation of new revenues.

ART. 160. The budget bill shall be presented by the Secretary of State in the department of finance within the eight days following the installation of the Congress.

ART. 161. Any expenditure made outside of the budget is illegal. When disapproved by the Congress, the civil and criminal liability shall be placed on the proper person.

ART. 162. An organic law shall regulate the formation, execution, and liquidation of the budget.

ART. 163. A general treasury of the Republic shall be created, and also a special highway treasury, with the revenues determined by law.

CHAPTER III

Concerning the Auditing of Accounts

ART. 164. A superior tribunal of accounts shall exist for the auditing of the administration of the national treasury, the duties of which shall be:

1st. To examine and approve or disapprove the accounts of those who administer public funds.

2nd. To return to the Executive the orders that are not in accordance with the law, for the purposes that the said law determines.

ART. 165. Members of the superior tribunal of accounts must be more than twenty-five years of age, have the degree of attorney or certified public accountant, not be creditors or debtors of the public treasury, not have accounts pending with it, and not be contractors or concessionnaires. Their number, organization, and duties shall be determined by the law that regulates their functions.

ART. 166. The Executive, in making important contracts that involve the national treasury, shall previously publish the bid in the official organ, *La Gaceta*; and in case no person presents a better bid, he can make the contract.

When important public works or services are concerned, the respective contract must be submitted to bids at auction.

Cases having as their purpose the providing of necessities of war, and contracts that because of their nature can be made only with a certain person, are excepted.

ART. 167. To represent the interests of the public treasury there shall be an incumbent and a substitute Auditor General of the treasury, whose duties shall be determined by law.

Members of the superior tribunal of accounts and the Auditor General of the treasury shall have the same disqualifications established for Deputies.

ART. 168. The term of members of the superior tribunal of accounts and of the Auditor General of the treasury shall be six years and shall begin January 1st.

TITLE IX

Concerning the Army

SOLE CHAPTER

ART. 169. The army is an institution intended for national defense and the maintenance of peace and public order.

ART. 170. Obedience is an essential quality of the public forces.

No armed group may deliberate or exercise the right of petition.

Military obedience shall be regulated by law and by military ordinances.

ART. 171. Military service is obligatory. All Hondurans between eighteen and thirty-two years of age form the active army; and those between thirty-two and forty-five, the reserve.

A special law shall regulate the organization of the militia and of the national guard, which shall comprise individuals between forty-five and fifty-five years of age, and shall establish reasons for exemption from service.

All Hondurans able to carry arms are soldiers in case of international war.

ART. 172. Military rank is acquired only by strict promotion. Soldiers cannot be deprived of their rank, honors, and pensions except in the manner determined by law.

ART. 173. Soldiers who have a rank in the army have the right, after reaching forty-five years of age, to resign their commissions and be separated from the service.

ART. 174. A code of war shall be established for military offenses.

ART. 175. A general staff of the army shall be created. A law shall determine its organization and duties. Military schools shall also be established for instruction in the different branches of the army.

TITLE X

Concerning Departmental and Municipal Government

CHAPTER I

Concerning Departmental Government

ART. 176. The territory of the Nation is divided, for public administration, into Departments, the establishment and boundaries of which shall be decreed by the national Congress. Each Department shall have the functions determined by law.

ART. 177. Departmental officials shall be Hondurans, more than twenty-five years of age, and citizens in possession of their rights.

ART. 178. The political, military, judicial, and economic organization of the territory of Mosquitia shall be distinct from that adopted for the rest of the Republic, as the Executive may arrange it.

CHAPTER II

Concerning Municipal Administration

ART. 179. For the administration of the Departments, they are divided into autonomous municipalities, represented by the municipal governments elected by the people, and into districts governed by councils, the members of which shall be appointed by the Executive, the latter having the power to create the same, with one or more municipalities, and with the organization and functions determined by law. The central district, formed by the municipalities of Tegucigalpa and Comayagüela, shall be governed by its special law.

ART. 180. The law shall regulate the organization and duties of the municipal governments. These duties shall be purely economic and administrative.

ART. 181. In the exercise of their particular functions, they shall be absolutely independent of the other branches, without running counter, in any case, to the general laws of the country; and they shall be liable, collectively or individually, before the tribunals of justice, for the abuses they may commit.

ART. 182. Municipal governments shall freely appoint their subordinate employees and police agents who are paid from their own funds.

ART. 183. Neither the municipal councilmen nor the treasurer shall hold any municipal office in the following term, until the accounts kept by them have been closed as solvent.

ART. 184. No member of the municipal government shall be obliged to accept another appointment or to be called for military service, except in case of international war. Members of the municipal corporation are prohibited from holding salaried municipal employment.

TITLE XI

Concerning the Liability of Public Officials

SOLE CHAPTER

ART. 185. Every public official, on taking possession of his office, shall take the following oath: "I promise to be faithful to the Republic, to comply with the Constitution and the laws, and to have them enforced."

ART. 186. Every employee or public official is liable for his acts.

ART. 187. The Congress, considering formulated judicial information and in conformity with the procedure established by its regulations, shall declare whether or not there are grounds for institution of suit against the President and Vice-President of the Republic, Deputies, Magistrates of the Supreme Court of Justice, Secretaries of State, and diplomatic agents for common or official offenses that they may have committed while in an official character, for the purpose of putting them, in such cases, at the disposal of a competent tribunal.

ART. 188. Notwithstanding the approval that the Congress may give to the conduct of the Executive, the President of the Republic and the Secretaries of State may be accused of official offenses.

The term of prescription for these actions shall begin five years after the accused has ceased to hold office.

ART. 189. Public employees and officials who violate any of the rights and guarantees stated in this Constitution shall be criminally and civilly responsible, and they cannot obtain a pardon or commutation during the current or the following term.

Prescription of the offenses and penalties incurred shall not begin until after said terms.

ART. 190. When a public official, against whom there may have been declared occasion to prefer charges, is absolved, he shall return to the exercise of his functions.

TITLE XII

Concerning Labor and the Family

SOLE CHAPTER

ART. 191. The maximum obligatory day's work for wages shall be eight hours. For each six days of work there shall be one of rest.

A law on accidents during work shall establish the responsibilities of the employer and the conditions under which they shall become effective.

ART. 192. Unhealthful or dangerous work is prohibited, and industrial night work for women and for minors under sixteen years of age. Said persons shall not work in commercial establishments after six o'clock in the afternoon.

ART. 193. The work of minors under twelve years of age shall not be the object of contract, and that of those over that age and less than sixteen years of age shall have a maximum day's work of six hours.

ART. 194. Wages shall be paid exclusively in money that is legal tender in the Republic.

ART. 195. Large industrial concerns are obliged to establish hospitals in the place of their activities to attend to the accidents or illness of their operatives.

ART. 196. Safeguarding public health and the hygienic welfare of the Nation is a duty of the State.

ART. 197. The family, as the basis of society, shall be under the protection of the State.

Consequently, the State shall provide for the organization of its patrimony, for effective aid to maternity, and protection to minors.

ART. 198. The State shall provide and stimulate adequate education so that inhabitants of the Republic may acquire instruction in agriculture, industry, the arts, and trades.

TITLE XIII

Concerning Constitutional Laws

SOLE CHAPTER

ART. 199. Constitutional laws are: of the press, of agriculture, of elections, of *amparo*, and of state of siege.

TITLE XIV

Concerning Amendments and the Observance of the Constitution and Constitutional Laws

CHAPTER I

Concerning Amendment

ART. 200. The Constitution and the constitutional laws may be amended in part by the Congress, in regular session, by two-thirds of the votes of its members; the respective decree must be ratified by the following regular legislative session, also by two-thirds of the votes of its members, so that the amendment may enter into force.

The amendment of Articles 117, 118, and 200, or of one or more of these three, and the complete revision of the Constitution and constitutional laws shall be made only by a constituent assembly called by the national Congress for this purpose.

CHAPTER II

Concerning Observance

ART. 201. All the laws, decrees, regulations, orders, and other provisions in force on the promulgation of this Constitution shall continue to be observed, in so far as they are not opposed to it, and as long as they are not legally repealed or modified.

ART. 202. The constitutional presidency and vice-presidency of the Republic, exercised, respectively, by the citizens don Tiburcio Carías Andino, doctor and general, and don Abraham Williams Calderón, engineer and general, shall terminate January 1st, 1949; and for this purpose the effects of Article 117 of this Constitution shall be suspended until January 1st, 1949, and Articles 116 and 118 of the same Constitution until January 1st, 1948.

ART. 203. The Deputies who compose the present legislative Congress shall end their term on December 4th, 1942; the effects of Articles 96, Paragraph 1, and 100 of this Political Constitution shall be suspended until December 31st, 1941.

ART. 204. This Political Constitution shall enter into force April 15th of the present year and on that date the one issued September 10th, 1924, shall be repealed.

Given in Tegucigalpa, in the Hall of Sessions of the National Constituent Assembly, on the twenty-eighth day of the month of March, 1936.

Mexico

THE Mexican uprising against Spain, begun on September 16, 1810, and led by Miguel Hidalgo, was a prelude to the promulgation on October 22, 1814, at Apatzingán, of an abortive constitution which placed executive power in the hands of three persons to be elected by the congress. The well-known Plan of Iguala, February 24, 1821, reflected a conservative counter-revolution against the liberal trend in Spanish politics in 1820. The plan was less a constitution than a statement of principles, pointed toward independence, protection of the Roman Catholic church, establishment of a monarchical and conservative government, etc. A constituent assembly met on February 24, 1822, but was dissolved by General Iturbide eight months later. A new constituent assembly convened on November 7, 1823. Mexico's first genuine, operative constitution was subsequently promulgated on October 4, 1824. It was patterned largely after that of the United States and established a federal government as successor to the previous unitary type.

The pendulum swung again toward a centralized form of government with the proclamation, on October 23, 1835, of "constitutional bases." These were followed some fourteen months later (December 28, 1836) by the proclamation of the "seven constitutional laws" (effective January 1, 1837), formally establishing a centralized, conservative, aristocratic, and complicated type of government. Santa Anna on September 28, 1841, unsuccessfully attempted to implant his so-called "Plan of Tacubaya" as a form of government. A new constituent assembly met on June 10, 1842, to draft a constitution, presumably of moderate or liberal tendencies, but an insurrection provoked its dissolution. A "junta of notables," assembled on January 6, 1843, drafted "organic bases for centralization" (effective July 12) which served as a constitution for a highly centralized despotism. The mercuric Santa Anna later returned to power, in December, 1846, under the restored federal constitution of 1824.

The period of Liberal reform, beginning in 1854, soon resulted in constitutional changes. A provisional and fragmentary constitution in the form of a "statutory ordinance," dated May 15, 1856, legalized the Liberal regime. The "Lerdo Law" of June 25, 1856, though aimed primarily at restricting ecclesiastical privilege, contained some provisions of a constitutional character. Principles of the Lerdo act were incorporated in a new basic law then being drafted. This was the well-known constitution of 1857, proclaimed on February 5 of that year and destined to govern Mexico for six decades. The new constitution confirmed the federal type of government, with many structural

features resembling corresponding ones in the United States. The reflection of the dominant Liberal political philosophy of the time was embodied principally in the limitations on the privileges of the church. Conservative elements strongly opposed the constitution, and there soon resulted the bitterly contested civil War of the Reform.

During the long regime of Porfirio Díaz, many provisions of the 1857 constitution lapsed in practice. The revolution that broke out against Díaz in 1910 culminated philosophically in a new constitution some years later. A constituent assembly met at Querétaro on December 1, 1916. This body signed and proclaimed a new constitution on February 5, 1917, which took effect May 1 of the same year. The government established by it structurally resembled that provided by the 1857 constitution. Amendments pending at the end of 1946 included a provision in Articles 27 and 42 for establishing a Mexican claim to the submarine continental shelf. This claim had not yet gone into effect as of August 1, 1947.

POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATES

TITLE I

CHAPTER I

Concerning Personal Guarantees

ARTICLE 1. Every person in the United Mexican States shall enjoy the guarantees that this Constitution grants, which may neither be restricted nor suspended, except in the cases and under the conditions herein established.

ART. 2. Slavery is prohibited in the United Mexican States. Slaves from abroad who enter the national territory shall by this act alone acquire liberty and the protection of the laws.

ART. 3. The education that the State—Federation, States, municipalities—imparts shall tend to develop harmoniously all the faculties of the human being and shall develop in him, at the same time, a love of the Fatherland and a consciousness of international solidarity, independence, and justice.

1st. Freedom of belief, guaranteed by Article 24, the criterion that shall orient said education, shall be maintained by complete freedom from any religious doctrine, and, based on the results of scientific progress, shall struggle against ignorance and its effects, servitudes, fanaticisms, and prejudices. Moreover:

I. It shall be democratic, considering democracy not solely as a juridical structure and a political system, but as a system of life based on the continuous economic, social, and cultural improvement of the people.

II. It shall be national, in that—without hostility or exclusivism—it shall deal with a comprehension of our problems, the utilization of our resources, the defense of our political independence, the assurance of our economic independence, and the continuity and growth of our culture, and

III. It shall contribute to better human co-operation [*convivencia*], as much by the elements that may contribute to the end of strengthening the student, together with an esteem for the dignity of the person and the integrity of the family, [and] a conviction of the general interest of society, as by the care that it gives to maintaining the ideals of fraternity and the equality of rights of all men, avoiding privileges of race, sects, groups, sexes, and individuals.

2nd. Private individuals may impart education in all its types and grades. But with regard to that which concerns primary, secondary, and normal education (and to that of any type or grade intended for workers and peasants), they must obtain previously, in each case, the express authorization of the public authorities. Said authorization may be refused or revoked, without any action or appeal arising against such decisions.

3rd. Private educational institutions intended for education in all types and grade specified in the previous clause must be adjusted, without exception, to what is provided in the initial paragraphs, the 1st and 2nd [clauses] of the present article, and, furthermore, must comply with official plans and programs.

4th. Religious corporations, ministers of faiths, stock corporations that, exclusively or predominantly, perform educational activities, and associations or societies connected with the propagation of any religious belief may not intervene in any form in educational institutions in which is imparted primary, secondary, or normal education and in those intended for workers and peasants.

5th. The State may withdraw discretionally, at any time, recognition of official validity or studies made in private educational institutions.

6th. Primary education shall be obligatory.

7th. All education that the State imparts shall be gratuitous.

8th. The Congress of the Union, with the purpose of unifying and coordinating education in all of the Republic, shall enact the necessary laws intended to distribute the educative social function among the Federation, the States, and the municipalities, to fix the financial contributions belonging to that public service, and to indicate the penalties applicable to officials who do not comply or cause compliance with the relative provisions, the same as with all those who may infringe them.

ART. 4. No person may be prevented from engaging in the profession, industry, commerce, or labor which suits him, provided it is lawful. The exercise of this liberty may be suspended only by judicial action, when the rights of third parties are attacked, or by governmental order issued in the terms that the law indicates when the rights of society are infringed. No one may be deprived of the product of his labor except by judicial determination.

The law shall determine in each State which are the professions that require a license for their practice, the conditions that must be fulfilled to obtain it, and the authorities to issue it.

ART. 5. No person may be obliged to render personal labor without just compensation and without his full consent, except labor imposed as punishment by judicial authority; such work shall be regulated by the provisions set forth in Fractions I and II [i.e., 1st and 2nd Clauses] of Article 123.

In regard to public services, only military and jury duty, as well as the discharge of compulsory public offices and those directly or indirectly subject to popular election, may be obligatory in the manner established by the respective laws. Electoral and census functions are obligatory and uncompensated; professional services of a social nature shall be obligatory and are compensated in the manner and with the exceptions indicated by law.

The State may not permit to be carried into effect any contract, pact, or agreement that has as its object the impairment, loss, or irrevocable sacrifice

of the liberty of man, whether by reason of occupation, education, or religious vow. Consequently, the law does not permit the establishment of monastic orders, whatever may be the denomination or the object for which they presume to be established.

Nor shall any contract be permitted whereby a man agrees to his own proscription or exile, or in which he temporarily or permanently renounces the practice of any definite profession, industry, or commerce.

A labor contract shall call only for the performance of a specified service for the time fixed by law, and may not exceed one year to the injury of the worker, and in no sense may it be extended to the forfeiture, loss, or impairment of any political or civil rights.

Failure on the part of the worker to comply with said contract shall oblige him only for the corresponding civil responsibility and in no case may his person be subject to coercion.

ART. 6. Expression of ideas shall not be the object of any judicial or administrative investigation, except in the case of an attack on the principles or rights of third parties, or where it may provoke some crime or disturb public order.

ART. 7. Freedom to write and publish articles on any subject is inviolable. No law or authority may establish a previous censorship, or exact a bond from the authors or printers, or restrict the freedom of the press, which has no further limits than respect for private life, morals, and public peace. In no case may the printing press be sequestered as an instrument of the crime.

The organic laws shall prescribe whatever provisions may be necessary to prevent the imprisonment, under pretext of offenses of the press, of distributors, paper venders, workers, and other employees of the establishment from which has issued the denounced writing, unless the responsibility of said persons has been previously demonstrated.

ART. 8. Public officials and employees shall respect the exercise of the right of petition, provided it is formulated in writing and in a respectful and peaceful manner; but in political matters only citizens of the Republic may make use of this right.

A written decision shall be given to all petitions by the authority to whom they have been directed, who has the obligation of notifying the petitioners of the decisions as soon as possible.

ART. 9. The right of associating or meeting peacefully for any lawful purpose shall not be infringed, but only citizens of the Republic may exercise it in taking part in the political affairs of the country. No armed assembly has the right of deliberating.

An assembly or meeting that has as its object the formulating of a petition or the presenting of a protest regarding some act of an authority shall not be considered illegal and may not be dissolved, provided insults are not voiced

against said authority nor any violence or threats used to intimidate or oblige him to decide in the manner that they desired.

ART. 10. The inhabitants of the United Mexican States have the liberty of possessing arms of any kind for their security and legitimate defense, except such arms as those expressly prohibited by law, and those that the Nation reserves for the exclusive use of the army, navy, and national guard; but, these may not be carried in towns, without complying with police regulations.

ART. 11. Any person has the right to enter the Republic, leave it, travel through its territory, and change residence without the necessity of a letter of security, passport, safe conduct, or similar requirements. The exercise of this right shall come under the jurisdiction of the judicial authority in cases of criminal and civil responsibility and under the jurisdiction of the administrative authority in so far as it relates to the limitations that the laws impose on emigration, immigration, and the general health of the Republic, or on undesirable aliens residing in the country.

ART. 12. Neither titles of nobility nor hereditary privileges or honors shall be granted in the United Mexican States, nor shall those awarded by any other country be recognized.

ART. 13. No person may be judged by private laws or special tribunals. No person or corporation may have special privileges, nor enjoy greater emoluments than those that may be compensation for public services and are fixed by law. The military code exists for crimes and offenses against military discipline; but the military tribunals may in no case and for no cause extend their jurisdiction over persons who do not belong to the army. Should a civilian be implicated in crime or offense of a military character, the proper civil authority shall hear the case.

ART. 14. No law shall be given retroactive effect to the prejudice of any person.

No person may be deprived of life, liberty, or his property, possessions, or rights except by means of a direct judgment before previously established tribunals, in which the essential formalities of procedure are complied with, and in conformity with laws enacted previous to the commission of the act.

In cases of a criminal nature, it is forbidden to impose, either because of simple analogy or by *a priori* evidence, any punishment that is not decreed by a law exactly applicable to the crime involved.

In cases of a civil nature, the final sentence must be according to the letter or the judicial interpretation of the law, and in the absence of the latter, it shall be founded on the general principles of the law.

ART. 15. The negotiation of treaties for the extradition of political offenders or those covering civil delinquents who may have been slaves in the country where they committed the offense shall not be authorized; nor shall conventions or treaties be made by virtue of which guarantees and rights established for the individual and the citizen by this Constitution are altered.

ART. 16. No person, his family, domicile, papers, or possessions may be molested except by virtue of a written order by a competent authority establishing and supporting the legal basis of the proceeding. No order of apprehension or detention shall be issued, except by judicial authority, without being preceded by a denunciation, accusation, or complaint of a specific act which the law penalizes by corporal punishment nor without the same being substantiated by an affidavit, under oath, made by some trustworthy person, or by other evidence showing the probable guilt of the accused; exception is made in cases *in flagrante delicto*, in which any person may apprehend the offender and his accomplices, placing them without delay at the disposal of the nearest authorities. Only in urgent cases, when there is no judicial authority available in the district, and involving offenses officially prosecuted, may the administrative authority, under its strictest accountability, order the detention of the accused, placing him immediately at the disposal of the judicial authority. Every search warrant, which may be issued only by judicial authority and always in writing, shall state the place to be inspected, the person or persons to be apprehended, and the objects to be sought, to which the search should be exclusively limited, and upon the conclusion of said search a circumstantial report shall be drawn up in the presence of two witnesses proposed by the occupant of the place searched, or, in his absence or at his refusal, by the officer making the investigation.

Administrative officials may enter domiciles only to assure themselves that sanitary and police regulations have been complied with; and to require the exhibition of books and papers necessary to prove that fiscal regulations have been respected, subject in these cases to the respective laws and to the formalities prescribed for searches.

ART. 17. No person may be imprisoned for debts of a purely civil character. No person may take justice into his own hands or resort to violence to claim his right. Tribunals shall be prepared to administer justice at the time and in the manner that the law determines; their service shall be free and, consequently, judicial charges are prohibited.

ART. 18. Only offenses deserving corporal punishment shall be cause for precautionary custody. The place for this shall be distinct and entirely separate from that devoted to serving penalties for other offenses.

The Governments of the Federation and of the States shall organize the penal system in their respective territories—colonies, penitentiaries, or prisons—on the basis of work as the means of regeneration.

ART. 19. No detention may exceed the term of three days without being authorized by a formal warrant of penal arrest in which shall be specified: the offense imputed to the accused; the elements constituting it; the place, time, and circumstances of its commission, and the facts that brought forth the previous investigation, which should be sufficient to prove the substance

of the offense and show the probable guilt of the accused. The authority ordering the detention or consenting to it, and the agents, ministers, wardens, and guards executing it, shall be responsible for the violation of this provision.

Each case shall necessarily be instituted for the offense or offenses indicated in the warrant of formal arrest. Should it appear from the result of a trial that there has been committed an offense distinct from the one being prosecuted, it shall be the object of a separate accusation, without prejudice to the subsequent decreeing of the accumulated penalty, if deemed advisable.

Any ill treatment on apprehension or in prisons, any hardship inflicted without legal cause, any tax or contribution in penal institutions are abuses which shall be corrected by law and repressed by the authorities.

ART. 20. The accused shall have the following guarantees in any criminal suit:

1st. Immediately on his request, he shall be placed at liberty, under bond up to 10,000 *pesos*, according to his personal circumstances and the gravity of the offense that is charged against him, provided the said offense is not punishable by a penalty greater than five years in prison, and without further requisites than placing at the disposal of the authorities the specified sum of money or furnishing sufficient personal or mortgage security to cover it.

2nd. He shall not be compelled to testify against himself, for which reason holding him incommunicado or using any other means that shall have that object is absolutely forbidden.

3rd. He shall, at a public hearing and within forty-eight hours after his consignment to justice, be informed of the name of his accuser and the nature and cause of the accusation, so that he may be fully advised of the punishable act that is attributed to him and may answer the charge, making by this act his preliminary deposition.

4th. He shall be confronted with the prosecuting witnesses who, if in court, shall testify in his presence so that he may ask all the questions conducive to his defense.

5th. The witnesses and other proofs that he may offer shall be admitted, granting him the time that the law deems necessary for this purpose, and he shall be aided in securing the appearance of those persons whose testimony he may request, provided they may be found at the site of the trial.

6th. He shall be tried at a public hearing by a judge or jury of citizens able to read and write and who are residents of the place and district in which the offense has been committed, provided the offense is punishable by a penalty greater than one year in prison. Offenses committed by means of the press against public order or the external or internal security of the Nation shall in every case be tried by a jury.

7th. He shall be supplied with all the information he may require for his defense and appearance in the proceedings.

8th. He shall be tried within four months, if crimes are involved for which the maximum penalty does not exceed two years in prison, and within one year if the maximum penalty exceeds this period.

9th. He shall be heard in defense of himself or through some person in his confidence, or both, according to his wish. Should he not have any one to defend him, a list of public defenders shall be presented to him so that he may select the person or persons whom he prefers. Should the accused not wish to name defenders, after being required to do so, on rendering his preliminary deposition, the judge shall appoint a public defender. The accused may name a defender from the moment when he is apprehended, and shall have the right to have him present during all phases of the trial; but he shall be obliged to have him appear as many times as may be necessary.

10th. In no case may the prison term or detention be prolonged for failure to pay counsel fees or for any other loan of money, for civil liability, or for any other similar reason.

Preventive arrest shall not be prolonged for a time exceeding the maximum fixed by law for the offense that is the cause of the trial.

The time spent in detention shall be included in all sentences imposing a prison penalty.

ART. 21. The imposition of penalties is the strict and exclusive right of the judicial authorities. The prosecution of crimes concerns the Public Ministry and the judicial police, the latter being under the immediate authority and command of the former. The administrative authority has jurisdiction in punishing violations of governmental and police regulations, which punishment shall consist only of a fine or arrest of not more than thirty-six hours; but should the offender not pay the fine that may have been imposed, his punishment shall be changed to a corresponding arrest that in no case may exceed fifteen days.

Should the offender be a day laborer or a workman, he shall not be punished by a fine greater than the amount of his weekly wage or salary.

ART. 22. Punishments by mutilation or infamy, branding, flogging, beating, torture of any kind, excessive fines, confiscation of property, or any other uncommon or unusually severe penalties are prohibited.

The complete or partial application by the judicial authority of the property of a person to the payment of a civil liability resulting from the commission of a crime or for the payment of taxes or fines, shall not be considered as confiscation of property.

The penalty of death for political crimes is likewise prohibited; and for other types of offenses, it may be imposed only upon traitors to the Fatherland in a foreign war, parricides, homicides by treachery, premeditation, or gain, incendiaries, plagiarizers, highway robbers, pirates, and offenders who have committed grave offenses of a military character.

ART. 23. No criminal suit may have more than two appeals. No person, whether acquitted or convicted, shall be tried two times for the same offense. The practice of leaving a case in abeyance until new evidence is presented is prohibited.

ART. 24. Every man is free to profess the religious belief which is most pleasing to him and to practice the ceremonies, rites, or acts of the respective cult in places of worship or in his private residence, provided they do not constitute a crime or offense punishable by law.

Any religious rite of public worship shall be confined entirely within places of worship, which shall always be under the supervision of the authorities.

ART. 25. Scaled correspondence sent by mail shall be free from all investigation, and its violation shall be punishable by law.

ART. 26. No member of the army may, in time of peace, be lodged in a private house without the consent of the owner, nor may any levies be imposed. Members of the army may, in time of war, exact lodging, supplies, food, and other levies on the terms that the corresponding martial law establishes.

ART. 27. Ownership of the lands and waters included within the boundaries of the national territory belongs originally to the Nation, which has held and still holds the right to transfer ownership of them to private persons, thereby constituting private property.

Expropriations may be effected only for reasons of public utility and by means of indemnification.

The Nation shall at all times have the right to impose on private property the measures that the public interest dictates, as well as that of regulating the exploitation of natural resources susceptible of use, in order to insure an equitable distribution of public wealth and to guard its conservation. To this end, the necessary measures shall be taken for the subdivision of large rural estates; for the development of small agricultural properties under cultivation; for the creation of new centers of agricultural population, with the lands and waters that may be necessary; for the encouragement of agriculture and the prevention of the destruction of natural resources and property damage detrimental to society. Population centers that may lack lands and waters or do not possess a sufficient amount for the needs of their people shall have the right to be supplied with them, taking them from the surrounding estates, but always respecting the small agricultural properties under cultivation.

The Nation has direct ownership of all minerals or substances which, either in veins, lodes, masses, or beds, constitute deposits the nature of which may be distinct from the components of the earth, such as ores from which are extracted metals and metaloids used in industry; beds of precious stones, rock salt, and the salt pans formed directly by seawater; all products

derived from the decomposition of rocks when their exploitation necessitates underground labor; all mineral or organic deposits of materials susceptible of being used as fertilizers; all solid mineral combustibles; petroleum and all solid, liquid, or gaseous hydrocarbons.

The waters of territorial seas, to the extent and in the manner fixed by international law, are also the property of the Nation; the waters of lakes and inlets that communicate permanently or intermittently with the sea; those of internal, naturally formed lakes connected directly to permanent streams; those of rivers and their direct or indirect tributaries from the point of the bed in which the first permanent flow, intermittent or torrential, begins, to their outlet in the sea; lakes, lagoons, and inlets of the national domain; those of permanent or intermittent streams and their direct or indirect tributaries, when the bed of the latter, in its whole extent or part of it, serves as the boundary of the national territory or of two federal entities, or when it passes from one federal entity to another, or crosses the dividing line of the Republic; that of lakes, lagoons, or inlets the extent, zones, or banks of which may be crossed by the boundary line between two or more entities or between the Republic and a neighboring country, or when the limit of the banks serves as the boundary between two federal entities or that of the Republic with a neighboring country; those of springs that may break out in the beaches, maritime zones, extent, or banks of lakes, lagoons, or inlets of the national domain; and those extracted from mines are also the property of the Nation. The waters of the subsoil may be freely liberated by means of artificial works, and may be appropriated by the proprietor of the land, but when the public interest may demand it, or when other utilization is affected, the federal Executive may regulate their extraction and utilization and may even establish enclosed zones, the same as for other waters of the national domain. Any other waters not included in the previous enumeration shall be considered as an integral part of the proprietorship of the lands through which they run or in which their deposits are found, but if they are localized in two or more landed properties the use of these waters shall be considered of public utility and shall be subject to the provisions that the States may enact.

In the cases referred to in the two preceding paragraphs, the authority of the Nation is inalienable and imprescriptible, and concessions may be made only by the federal Government to private individuals or civil or commercial companies constituted in accordance with Mexican laws, with the condition that they establish regular work for the exploitation of the materials involved, and comply with the requirements of the law. With regard to petroleum and solid, liquid, or gaseous hydrocarbons, no concessions may be granted, and the respective regulatory law will determine the form in which the Nation may carry into effect the exploitation of these products.

The capacity to acquire ownership of lands and waters of the Nation shall be subject to the following regulations:

1st. Only Mexicans by birth or by naturalization or Mexican companies have the right to acquire ownership of lands, waters, and their appurtenances or to obtain concessions for the exploitation of mines, waters, or combustible minerals in the Mexican Republic. The State may concede the same right to aliens provided they agree before the Ministry of Foreign Relations to consider themselves as nationals with respect to said properties and not to invoke the protection of their Governments in reference to same; should they fail to respect the agreement, they shall be penalized by losing to the benefit of the Nation the properties they may have acquired.

Under no consideration may aliens acquire direct ownership over lands and waters within a zone 100 kilometers wide along the frontiers, or fifty kilometers along the coast.

2nd. Religious associations called churches, whatever may be their belief, in no case have the capacity to acquire, possess, or administer real estate or capital invested therein; the properties that they hold at present directly or through some intermediary, shall pass to the domain of the Nation, the people being allowed the right to denounce properties that they find in such case. The ground of presumption shall be sufficient to declare the denouncement established. Churches dedicated to public worship are the property of the Nation, represented by the federal Government, which shall determine those that should continue in use. The headquarters of bishops, parish houses, seminaries, asylums, or academies of religious associations, convents, or any other buildings that may have been constructed or intended for the administration, propagation, or instruction of any religious creed, shall pass immediately, by full right, to the direct domain of the Nation, to be dedicated exclusively to the public services of the Federation or of the States, in their respective jurisdictions. Churches that may be erected in the future for public worship shall be the property of the Nation.

3rd. Public or private institutions of charity, that may have as their object the aid of the needy, scientific investigation, the diffusion of knowledge, the mutual help of their associates, or any other lawful purpose, may not acquire more real property than what is indispensable and immediately or directly intended for such ends; but they may acquire, hold, and administer capital invested in real property, provided the terms of investment do not exceed ten years. Institutions of this kind may in no case be under the patronage, direction, administration, charge, or care of religious corporations or institutions, or of ministers of denominations, or similar persons, even though these may not be exercising their ministry.

4th. Commercial corporations may not, by buying shares, acquire, possess, or administer rural properties. Corporations of this kind, that may be constituted for the exploitation of any manufacturing, mining, or petroleum

industry, or for any other purpose that is not agricultural, may acquire, possess, or administer lands only to the extent that may be strictly necessary for the establishment or service of the indicated objects and which the Executive of the Union or those of the States shall determine in each case.

5th. Banks duly authorized according to the laws on institutions of credit may have capital invested in urban and rural property in accordance with the provisions of said laws, but may not hold more property or administer more real estate than fully necessary for their direct use.

6th. Aside from the corporations referred to in Fractions III, IV, and V [i.e., 3rd, 4th, and 5th Clauses, above], as well as the population settlements that in fact or by right maintain the communal status, or the settlements endowed, restored, or constituted in a center of agricultural population, no other civil corporation may hold in ownership or administer real estate or have capital invested therein, with the sole exception of the buildings intended immediately and directly for the use of the institution. The States, the federal district, and the territories, as well as the municipalities throughout the Republic, shall have full capacity to acquire and possess all real estate necessary for public services.

The laws of the Federation and of the States in their respective jurisdictions shall determine the cases where the occupation of private property may be of public utility, and, in accordance with said laws, the administrative authority shall make the necessary declaration. The price that shall be fixed as indemnification for the property expropriated shall be based on its assessed value as recorded in the offices of the census or tax collectors, whether this value may have been declared by the owner or simply accepted by him in a tacit manner by having paid taxes on this basis. The increase or decrease in value to which the private property may have been subject by reason of improvements or deterioration, occurring after the date of the fiscal evaluation, shall be the only grounds for an appraisalment and for a judicial decision. This same course shall be followed when it concerns objects, the value of which is not determined by the revenue office.

Exercise of the rights that belong to the Nation, by virtue of the provisions of the present article, shall be made effective through judicial proceedings; but in accordance with these proceedings and an order that shall be issued by the proper tribunals within the maximum term of one month, the administrative authorities shall proceed immediately to the occupation, administration, auction, or sale of the lands or waters involved and all their appurtenances, without it being possible in any case to revoke the action of the same authorities before the executory decision has been rendered.

7th. The population settlements that in fact or by right retain the communal status shall have the capacity to enjoy in common the lands, forests, and waters belonging to them or which may have been or may be restored to them.

All questions over the boundaries of communal lands, whatever may be their origin, which may be pending, or which may arise among two or more population centers, are under federal jurisdiction. The federal Executive may remove jurisdiction over said questions and may propose to the interested parties the definite solution of the same. If they are agreeable, the proposal of the Executive shall have the force of a definitive solution and shall be irrevocable; in a contrary case, the dissatisfied party or parties may appeal to the Supreme Court of Justice of the Nation, without prejudice to the immediate execution of the presidential proposal.

The law shall fix the summary procedure according to which the aforementioned controversies must be regulated.

8th. The following are declared null:

I. All alienations of lands, waters, and forests belonging to towns, hamlets, congregations, or communities made by political chiefs, governors of States, or any other local authority in violation of the provisions of the law of June 25th, 1856, and other laws and regulations relating thereto.

II. All concessions, adjustments, or sales of lands, waters, and forests made by the Departments of Development, Finance, or any other federal authority, from December 1st, 1876, to this day, by which the *ejidos*, communal subdivisions, or any other class of land, pertaining to towns, hamlets, congregations, or communities, and population settlements have been illegally invaded and occupied.

III. All surveying or demarcation proceedings, transactions, alienations, or auctions performed during the period of time to which the preceding section refers, by companies, judges, and other authorities of the States or of the Federation, by which the lands, waters, and forests of the *ejidos*, communal subdivisions, or of any other class of land belonging to population settlements, have been illegally invaded or occupied.

Only lands not exceeding fifty hectares in extent and to which title may have been granted through the distributions made according to the law of June 25th, 1856, and held directly in fee for more than ten years, are exempted from the above-mentioned cancellation.

9th. The division or distribution that may be made with an appearance of legitimacy among the members of any population settlement, but in which there has been some error or defect, may be cancelled when so requested by three-fourths of the members who are in possession of one-fourth part of the lands subject to the division, or of one-fourth of the same members when they are in possession of three-fourths of the lands.

10th. The population settlements that lack *ejidos* or cannot obtain their restitution through lack of title, by reason of the impossibility of identifying said titles or because they may have been alienated legally, shall be granted lands, forests, and waters sufficient to constitute *ejidos* in proportion to the needs of their population; and in no case may the required area be denied,

and to that end sufficient land for the purpose shall be expropriated by the federal Government, taking the same from the lands nearest the towns concerned.

The individual extent or unit of the grant may not in the future be less than ten hectares of irrigated or moist lands, or, lacking these, of their equivalents in other kinds of lands, in the terms of the third paragraph of Clause 15 of this article.

11th. In order to carry out the provisions contained in this article and those of the regulatory laws to be enacted, there shall be created:

I. A direct dependency of the federal Executive, encharged with the application of agrarian laws and their enforcement.

II. A consultative body composed of five persons who shall be designated by the President of the Republic and who shall have the duties fixed by the regulatory organic laws.

III. A mixed commission composed equally of representatives of the Federation, local governments, and of a representative from the peasants whose appointment shall be made according to the provisions of the respective regulatory law; this commission shall operate in each State, territory, and in the federal district with the powers that the same organic and regulatory laws may determine.

IV. Special executive committees for each one of the population settlements which shall transact agrarian affairs.

V. Ejidal commissaries for each one of the population settlements which may possess communal lands.

12th. Petitions for restitution or grant of lands or waters shall be presented in the States and territories directly to the governors.

The governors shall transmit the petitions to the mixed commissions, which shall try the action within a fixed period of time and give an opinion. The governors of the States shall approve or modify the opinion of the mixed commissions and shall order to be granted the immediate possession of the lands that in their judgment should be allotted. The action shall then pass to the federal executive branch for its decision.

When governors do not comply with the provisions of the foregoing paragraph within the definite term that the law fixes, the opinion of the mixed commissions shall be deemed disapproved and the proceedings shall be immediately turned over to the federal Executive.

Inversely, when the mixed commissions do not formulate an opinion within the definite time required, the governors shall have the power to grant possession to the extent they deem proper.

13th. The executive dependency and agrarian consultative body shall decide on the approval, rectification, or modification of the opinions formulated by the mixed commissions, with the modifications that the local governments

may have introduced, and shall inform the Citizen President of the Republic in order that, as the supreme agrarian authority, he may render a decision.

14th. The owners affected by decisions that may have been issued in favor of towns, or that in the future may be issued, for apportioning or restoring *ejidos* or waters shall not have any right of redress or ordinary legal recourse, nor may they institute suit of *amparo*.

Those affected by the apportionment of lands shall have only the right of applying to the federal Government in order that the respective indemnification may be paid. Those interested must exercise this right within the term of one year, counting from the date on which the respective resolution was published in the *Diario oficial* of the Federation. After expiration of this term no claim shall be admitted.

The owners or possessors of farming or stockraising properties under cultivation, and those who may have been issued or are issued in the future a certificate of exemption, may enter an appeal of *amparo* against the illegal deprivation or occupation of their lands or waters.

15th. The mixed commissions, the local governments, and other authorities encharged with agrarian procedures may in no case act upon small agricultural lands under cultivation and they incur responsibility for violations of the Constitution if they make grants at the expense of such farms.

Small agricultural lands will be considered as those that do not exceed 100 hectares of superior irrigated or moist [lands] or their equivalents in other kinds of land under cultivation.

For the effects of equivalence, one hectare of irrigated [land] will be computed as two of unirrigated crop lands, four of pasture [lands] of good quality, and eight of mountain or pasture in arid lands.

Small agricultural lands will likewise be considered as those the extent of which does not exceed 200 hectares in unirrigated crop lands or pasture susceptible of cultivation, 150 [hectares] when the lands are intended for the cultivation of cotton if they receive irrigation from rivers or by pumping, and 300, under cultivation, when they are intended for the cultivation of plantains, sugar cane, coffee, henequen, rubber, coconuts, grapes, olives, cinchona, vanilla, cacao, or fruit trees.

Small stockraising holdings will be considered as those that do not exceed the extent necessary to maintain up to 500 head of large livestock (mainly cattle) or their equivalent in small livestock (mainly sheep), in the terms that the law fixes, in accordance with the forage capacity of the lands.

When, owing to works of irrigation, drainage, or any others executed by the owners or possessors of a small holding to which has been issued a certificate of exemption, the quality of their lands is improved for the agricultural or stockraising cultivation with which it deals, said property may not be the object of agrarian liens, even when, by virtue of the improvement obtained,

the maximum indicated by this clause is exceeded, provided that they possess the requirements that the law fixes.

16th. The lands subject to individual adjudication shall be subdivided precisely at the time when the presidential resolutions are decreed according to the regulatory laws.

17th. The Congress of the Union and the legislatures of the States, in their respective jurisdictions, shall enact the laws determining the maximum extent of rural properties, and for subdividing the excess, in accordance with the following rules:

I. The maximum amount of land that one individual or legally constituted company may own shall be fixed in each State, territory, and in the federal district.

II. The excess over the fixed amount shall be subdivided by the owner within the terms indicated by local laws and the subdivisions shall be placed on sale under the conditions that the governments approve in accordance with the same laws.

III. Should the owner be opposed to the subdivision, it shall be carried out by the local government by means of expropriation.

IV. The value of the subdivisions shall be paid in annuities that shall amortize capital and interest at a rate of interest that shall not exceed three per cent per annum.

V. Owners shall be obliged to accept bonds of the local agrarian debt in guarantee of payment for expropriated property. The Congress of the Union shall enact a law for this purpose empowering the States to create their agrarian debt.

VI. No subdivision shall be approved unless the agrarian needs of the neighboring towns have been satisfied. When there are projects for subdivision to be effected, the agrarian proceedings shall be officially carried out within the required term.

VII. Local laws shall establish the family patrimony, determining the property that should constitute it, the conditions on which it shall be inalienable, and it shall not be subject to any seizure or lien, and

18th. All contracts and concessions made by previous Governments from the year 1876 and resulting, in consequence, in the monopoly of lands, waters, and the natural wealth of the Nation by a single person or company are declared subject to revision and the Executive of the Union is empowered to declare them null when seriously prejudicial to the public interest.

ART. 28. There shall be in the United Mexican States no monopolies, restraints of trade of any kind, exemption from taxes, prohibitions under the title of protection to industry, excepting only those relative to the coinage of money, to the mails, telegraphs, and wireless telegraphy, the emission of currency by means of a single bank that shall be controlled by the federal Government, and the privileges that may be conceded for a limited time to

authors and artists for the reproduction of their works and those granted to inventors for the exclusive use of their inventions and to those who perfect inventions of any kind.

Consequently, the law shall severely punish and the authorities shall diligently prosecute any monopoly or concentration in the hands of one or a few, of articles of prime necessity, that has as its object the obtaining of an increase in prices; also any act or measure restraining or tending to restrain free competition in production, industry, commerce, or public services; any agreement or combination of any kind made by producers, industrialists, merchants, or carriers, or by those engaged in any other service, for the purpose of restraining competition among themselves and obliging consumers to pay exorbitant prices; and, in general, whatever constitutes an undue, exclusive advantage in favor of one or more specified persons to the injury of the public in general or of any social class.

Associations of workers formed to protect their own interests shall not constitute monopolies.

Nor are associations or co-operative societies of producers to be considered monopolies when, in defense of their own interests or of the general interest, they sell directly in foreign markets the national or industrial products that are the principal source of wealth in the region where they are produced and which are not articles of prime necessity, provided that said associations are under the supervision or protection of the federal Government or of the States and that previous authorization be obtained from the respective legislatures in each case. These same legislatures, on their own initiative or at the proposal of the Executive, may revoke the authorization granted for the establishment of the associations herein referred to, whenever public necessity so requires.

ART. 29. In case of invasion, of serious disturbance of the public peace, or any other emergency that may place the people in great danger or conflict, only the President of the Mexican Republic, in agreement with the Council of Ministers and with the approval of the Congress of the Union, and should the latter be in recess, of the permanent committee, may suspend throughout the country or in any part specified, the guarantees that might be an obstacle to a rapid and easy adjustment of the situation; but such suspension shall be enforced only for a limited time by means of general prohibitions and shall not be confined to any particular individual. If the suspension takes place while the Congress is in session the latter shall grant the powers deemed necessary so that the Executive may meet the situation. If the suspension is made in time of recess the Congress shall be convoked without delay for the granting of such powers.

CHAPTER II

Concerning Mexicans

ART. 30. Mexican nationality is acquired by birth or by naturalization.

1st. Mexicans by birth are:

I. Those who are born in the territory of the Republic, regardless of the nationality of their parents.

II. Those who are born abroad of Mexican parents; of Mexican father and foreign mother; or of Mexican mother and unknown father; and

III. Those who are born on board Mexican vessels or airplanes, either military or commercial.

2nd. Mexicans by naturalization are:

I. Aliens who obtain a letter of naturalization from the Ministry of Foreign Relations.

II. An alien woman who contracts marriage with a Mexican and has or establishes her domicile within the national territory.

ART. 31. It shall be the duty of all Mexicans:

1st. To see to it that their children or wards less than fifteen years of age attend public or private schools to obtain a primary, elementary, and military education during the time prescribed by the law of public instruction in each State.

2nd. To present themselves on the days and hours designated by the municipal council of the place in which they reside, to receive such civic and military instruction as shall fit them for the exercise of their rights as citizens, train them in the use of arms, and accustom them to military discipline.

3rd. To enlist and serve in the national guard in accordance with the respective organic law in order to preserve and defend the independence, the territory, honor, rights, and interests of the Fatherland, as well as internal tranquillity and order; and

4th. To contribute toward the public expenses of the Federation, as well as of the State and municipality in which they reside, in a proportionate and equitable manner, as provided by law.

ART. 32. Mexicans shall have preference over aliens, under equal circumstances, for all kinds of concessions and for all Government positions, offices, or commissions in which the status of citizenship is not indispensable. No alien may serve in the army, or in the police or public safety forces during time of peace.

To belong to the national navy or the air force and to discharge any commission or office in them, it is necessary to be a Mexican by birth. The same qualification is necessary for pilots, captains, masters, machinists, mechanics, and, in a general way, for all of the crew of any vessel or airplane flying the flag of the Mexican merchant marine. Mexican citizenship by birth shall also be required in order to perform any office of captain of the port and all pilot-

age services, and command of airdromes, as well as the duties of customs inspector for the Republic.

CHAPTER III

Concerning Aliens

ART. 33. Aliens are those who do not possess the qualifications prescribed by Article 30. They have the right to the guarantees granted in Chapter I, Title I, of the present Constitution; but the Executive of the Union shall have the exclusive authority to banish from the national territory, immediately and without the necessity of judicial process, any alien whose presence is deemed undesirable.

Aliens may not interfere in any way in the political matters of the country.

CHAPTER IV

Concerning Mexican Citizens

ART. 34. All those who, in addition to being Mexicans, also possess the following qualifications, are citizens of the Republic:

1st. Those who have reached the age of eighteen years and are married, or twenty-one if they are not; and

2nd. Those who have an honest means of livelihood.

ART. 35. Privileges of citizens are:

1st. To vote in popular elections.

2nd. To be eligible to all popularly elective offices and be qualified for any other position or commission, provided they have the qualifications prescribed by law.

3rd. To assemble for the discussion of the political affairs of the country.

4th. To bear arms in the army or national guard for the defense of the Republic and its institutions and in the terms prescribed by law; and

5th. To exercise the right of petition in any matter.

ART. 36. The duties of a citizen of the Republic are:

1st. To be registered at the municipal revenue office, declaring the property he owns, the industry, profession, or work in which he is engaged, and also to be registered in the electoral list in the terms specified by the laws.

2nd. To be enlisted in the national guard.

3rd. To vote in the popular elections in the electoral district to which he belongs.

4th. To discharge the popularly elective offices of the Federation or of the States, which shall in no case be uncompensated; and

5th. To discharge the public offices of the municipality where he resides and to perform all electoral and jury services.

ART. 37. 1st. Mexican nationality shall be lost:

I. By the voluntary acquisition of a foreign nationality.

II. By accepting or using titles of nobility that imply submission to a foreign State.

III. By residing continuously for five years in the country of his birth, although being a Mexican by naturalization; and

IV. By representing himself as an alien in any public instrument, being a Mexican by naturalization, or by obtaining and using a foreign passport.

2nd. Mexican citizenship shall be lost:

I. By accepting or using titles of nobility that do not imply submission to a foreign Government.

II. By voluntarily serving a foreign Government officially, without permission of the federal Congress or of its permanent committee.

III. By accepting or using foreign decorations without permission from the federal Congress or its permanent committee.

IV. By receiving titles or offices from the Government of another country without previous permission from the federal Congress or from its permanent committee, excepting literary, scientific, or humanitarian honors, which may be freely accepted.

V. By aiding a foreigner or a foreign Government against the Nation, in any diplomatic claim or before an international tribunal; and

VI. In the other cases established by law.

ART. 38. The rights or privileges of citizens may be suspended:

1st. For failure to comply, without justifiable cause, with any of the obligations imposed by Article 36. This suspension shall last one year and shall be imposed in addition to the other penalties prescribed by law for the same offense.

2nd. For being subjected to criminal prosecution for an offense punishable by imprisonment, such suspension to be reckoned from the time of the order for formal commitment.

3rd. During the term of imprisonment.

4th. For vagrancy or habitual intoxication, as declared in the manner that the laws prescribe.

5th. For being a fugitive from justice, from the time when the order of arrest is issued until the prescription of the criminal action; and

6th. By an executory sentence imposing such suspension as a penalty.

The law shall define those cases in which citizenship shall be lost and others in which the rights of citizenship shall be suspended, as well as the manner of regaining them.

TITLE II

CHAPTER I

Concerning National Sovereignty and the Form of Government

ART. 39. National sovereignty resides essentially and originally in the people. All public power emanates from the people and is instituted for their benefit. The people have at all times the inalienable right to alter or modify the form of their government.

ART. 40. It is the will of the Mexican people to constitute themselves into a representative, democratic, federal Republic composed of States that are free and sovereign in all that concerns their internal government, but united in a Federation established according to the principles of this fundamental law.

ART. 41. The people exercise their sovereignty by means of the powers of the Union, in the matters pertaining thereto, and through those of the States in matters relating to their internal affairs, in the manner respectively established by the present federal Constitution and the individual ones of the States, which latter shall in no case contravene the stipulations of the federal pact.

CHAPTER II

*Concerning the Integral Parts of the Federation
and the National Territory*

ART. 42. The national territory includes the integral parts of the Federation, and also the adjacent islands in both oceans. It also includes the Island of Guadalupe and those of Revillagigedo, situated in the Pacific Ocean.

ART. 43. The integral parts of the Federation are the States of Aguascalientes, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, Mexico, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán, Zacatecas, the federal district, and the Northern and Southern Territories of Lower California, and Quintana Roo.

ART. 44. The federal district shall comprise the territory that it now has, and in case the federal powers should be removed to another location, it shall be converted into the State of Valle de Mexico with the boundaries and area that the general Congress may assign to it.

ART. 45. The States and territories of the Federation shall retain their present areas and boundaries, provided there exist no disputes regarding them, with the exception of those of Yucatán and Campeche, which shall be modified so that they shall have the same areas and boundaries as they had before the constitutional amendments of December 14th, 1931, and January 10th, 1934. The territorial areas that were united by said amendments shall constitute the Territory of Quintana Roo.

The parallel of latitude 28° North shall mark the dividing line between the Northern and Southern Territories of Lower California.

ART. 46. States that may have boundary disputes pending shall arrange or settle them in the manner that this Constitution establishes.

ART. 47. The State of Nayarit shall have the same territorial extent and boundaries at present comprising the Territory of Tepic.

ART. 48. The islands of both seas that belong to the national territory shall be under the direct jurisdiction of the Government of the Federation, with the exception of those over which the States have exercised jurisdiction up to the present.

TITLE III

CHAPTER I

Concerning the Division of Powers

ART. 49. The supreme power of the Federation is divided for its exercise into the legislative, the executive, and the judicial.

Two or more of these powers shall never be united in one person or corporation, nor shall the legislative power be deposited with one individual, except in the case of extraordinary powers being given to the Executive of the Union, in conformity with the provisions of Article 29. In no case shall the Executive be granted extraordinary power to legislate.

CHAPTER II

Concerning the Legislative Power

ART. 50. The legislative power of the United Mexican States is deposited in a general Congress which shall be divided into two Chambers, one of Deputies and the other of Senators.

FIRST SECTION

Concerning the Election and Installation of the Congress

ART. 51. The Chamber of Deputies shall be composed of representatives of the Nation, elected in their entirety every three years by the Mexican citizens.

ART. 52. One incumbent Deputy shall be elected for each 150,000 inhabitants or for a fraction that exceeds 75,000, on the basis of the general census of the district and of each State and territory; but in no case shall the representation of a State be less than two Deputies, and that of a territory the population of which is less than that fixed by this article, shall be one incumbent Deputy.

ART. 53. For each incumbent Deputy a substitute shall be elected.

ART. 54. The election of Deputies shall be direct and in the terms that the electoral law provides.

ART. 55. The following qualifications are required to be a Deputy:

1st. To be a Mexican citizen, by birth, and in the exercise of his rights.

2nd. To be more than twenty-five years of age on the date of the election.

3rd. To be a native of the State or territory from which he is elected, or an actual resident thereof for more than six months prior to the date of the election. Domicile shall not be lost through absence in the discharge of popularly elective public office.

4th. Not to be in active service in the federal army nor to have a command in the police or rural constabulary in the district where the election is held, for at least ninety days prior to the election.

5th. Not to be a Secretary or Subsecretary of State or a Magistrate of the Supreme Court of Justice of the Nation, unless he definitely resigns his office ninety days prior to the election.

Governors of States cannot be elected in the districts under their respective jurisdictions during the term of their office, even though they have definitely resigned from their positions.

Secretaries of government of the States and federal or state magistrates and judges cannot be elected in the districts under their respective jurisdictions unless they definitely resign from their offices ninety days prior to the election.

6th. Not to be a minister of any religious denomination; and

7th. Not to be included in any of the disqualifications indicated in Article 59.

ART. 56. The Chamber of Senators shall be composed of two members for each State and two for the federal district, elected directly and in their entirety every six years.

The legislature of each State shall declare elected the one who has obtained a majority of the votes cast.

ART. 57. For each incumbent Senator a substitute shall be elected.

ART. 58. The same qualifications are necessary to be a Senator as to be a Deputy, except that of age, which shall be more than thirty-five years on the day of election.

ART. 59. Senators and Deputies to the Congress of the Union cannot be re-elected for the immediately succeeding term.

Substitute Senators and Deputies may be elected for the immediately succeeding term in the character of incumbents provided they have not exercised that status; incumbent Senators and Deputies cannot be elected in the immediately succeeding term as substitutes.

ART. 60. Each Chamber shall judge the election of its members and shall decide all questions arising therefrom.

Their decision shall be final and without appeal.

ART. 61. Deputies and Senators are inviolable for opinions that they express in the discharge of their duty and shall never be called to account for them.

ART. 62. During their term of office, incumbent Deputies and Senators may not discharge any other commission or employment from the Federation or from the States for which any emolument is received, without previous per-

mission from the respective Chamber; but, in case of approval, their representative duties shall cease for such time as they shall hold the new occupation. The same regulation shall be observed in regard to substitute Deputies and Senators, when they are performing representative duties. The violation of this provision shall be punished by the loss of the status of Deputy or Senator.

ART. 63. The Chambers shall not open their sessions or exercise their functions without the presence, in that of the Senators, of a two-thirds majority, and in that of the Deputies, of more than one-half of the total number of its members; however, those present in either Chamber shall meet on the day appointed by law and compel those absent to attend during the thirty days following, with the warning that if they do not comply it shall be considered by this act alone that they renounce their office, and the substitutes shall be summoned, who shall have an equal time in which to present themselves, but should they fail to do so, the office shall be declared vacant and new elections called.

It is also understood that the Deputies or Senators who are absent for ten days consecutively, without justifiable cause or without previous permission from the president of their respective Chamber, notice of which shall be given to the Chamber, shall forfeit their right to attend until the succeeding term, and their substitutes shall be called forthwith.

Should there not be a quorum for the installation of either of the Chambers or for the exercise of their functions once installed, the substitutes shall be immediately summoned to present themselves as soon as possible for the discharge of the office until the expiration of the thirty days above mentioned.

ART. 64. The Deputies and Senators absent from a session without justifiable cause or without permission from the president of their respective Chambers shall not be entitled to the *per diem* for the day on which they were absent.

ART. 65. The Congress shall meet on September 1st of each year in regular sessions, for consideration of the following matters:

1st. To audit public accounts of the previous year, which shall be presented to the Chamber of Deputies within the first ten days of the opening of the Session. The audit shall not be limited to investigating whether or not the amounts spent conform with the corresponding items of the budget, but shall be extended to an examination of the exactness or justification of the expenditures made and the liabilities incurred thereunder.

There shall be no secret items except those considered necessary with this nature in the budget itself; these items shall be used by the Secretaries on written order from the President of the Republic.

2nd. To examine, discuss, and approve the budget of the next fiscal year and to decree the taxes necessary to cover it; and

3rd. To study, debate, and vote on the bills that may be presented and to

decide all other matters pertaining to them, in accordance with this Constitution.

ART. 66. The period of regular sessions shall last the time necessary to consider all of the matters mentioned in the preceding article; but may not be prolonged beyond December 31st of the same year.

If the two Chambers should not be in agreement as to the closing of the sessions before the date mentioned, the President of the Republic shall make the decision.

ART. 67. The Congress, or only one of the Chambers, when the matter belongs to its exclusive jurisdiction, shall meet in extraordinary sessions whenever summoned for this purpose by the permanent committee; but in both cases they shall attend only to the affair or affairs submitted by the committee for their deliberation, and which shall be expressed in the corresponding convocation.

ART. 68. The two Chambers shall meet in the same place and shall not remove to another site without previously agreeing on the change, as well as the time and manner of so doing, designating a common place for the meetings of both. However, should both agree to remove, but disagree in regard to the time, manner, and place, the Executive shall resolve the difference by choosing one of the two alternatives in question. Neither Chamber shall suspend its sessions for more than three days without the consent of the other.

ART. 69. The President of the Republic shall attend the opening of the regular session of the Congress and shall present a message in writing in which he shall state the general condition of the public administration of the country. At the opening of extraordinary sessions of the Congress of the Union, or of one Chamber alone, the president of the permanent committee shall announce the causes or reasons that made the convocation necessary.

ART. 70. Every resolution of the Congress shall have the character of a law or decree. The laws or decrees shall be communicated to the Executive, signed by the presidents of both Chambers and by a secretary of each one of them, and shall be promulgated in this form: "The Congress of the United Mexican States decrees . . . (text of the law or decree)."

SECOND SECTION

Concerning the Origin and Formation of Laws

ART. 71. The right to initiate laws or decrees belongs:

1st. To the President of the Republic.

2nd. To the Deputies and Senators in the Congress of the Union; and

3rd. To the legislatures of the States.

Bills presented by the President of the Republic, by the legislatures of the States, or by deputations of the same, shall be first submitted to a committee.

Those proposed by Deputies or Senators shall be subject to the procedure established by the regulations on debate.

ART. 72. Any bill, the decision of which is not exclusively with either of the Chambers, shall be discussed successively in each, observing the regulations on debate regarding the form, time allowed, and mode of procedure in the discussions and voting.

1st. After a bill has been approved in the Chamber of its origin, it shall pass to the other for discussion. If the latter approves it, it shall be sent to the Executive who, if he has no comments to make, shall cause it to be published immediately.

2nd. Any bill not returned with objections within ten working days to the Chamber of its origin shall be considered approved by the Executive; unless, this time not having elapsed, the Congress may have closed or suspended its sessions, in which case the return shall be made on the first working day after the Congress shall have reconvened.

3rd. Any bill rejected totally or in part by the Executive shall be returned with his objections to the Chamber of its origin. It shall be discussed anew by the latter, and if approved by two-thirds of the total number of votes, it shall pass again to the revising Chamber. If it is approved by the latter by the same majority, the bill shall become a law or decree and shall be returned to the Executive for its promulgation.

Voting on a law or decree shall be taken by calling the roll.

4th. If any bill is rejected in its entirety by the revising Chamber, it shall be returned to the Chamber of its origin with the objections of the former. Should it be approved by an absolute majority of the members present, when examined anew, it shall be returned to the Chamber that rejected it and again be taken into consideration; and if it is approved by the same majority it shall pass to the Executive for the purposes of Fraction a [i.e., 1st Clause, above]; but should it be disapproved, it may not be presented again at the same session.

5th. If a bill is rejected in part, or modified, or an addition is made by the revising Chamber, the new discussion in the Chamber of its origin shall be confined solely to the part rejected, or to the amendments or additions, without any of the approved articles being altered in any manner. If the additions or amendments made by the revising Chamber are approved by an absolute majority of the votes cast in the Chamber of its origin, the whole bill shall pass to the Executive for the purposes set forth in Fraction a [i.e., 1st Clause, above]. If the additions or amendments made by the revising Chamber are rejected by a majority of votes in the Chamber of its origin, it shall pass to the former in order that the reasons of the latter may be taken into consideration, and if said additions or amendments are rejected by an absolute majority of the votes cast at this second consideration, the bill, in regard to the portions that have been approved by both Chambers, shall pass to the Execu-

tive for the purposes set forth in Fraction a [i.e., 1st Clause, above]. If the revising Chamber insists on said additions or amendments by an absolute majority of votes cast, the whole bill shall not be again presented until the following session, unless both Chambers agree by an absolute majority of their members present, that the bill be passed only with the approved articles, and that the additions or amendments be reserved for reconsideration and vote in the following session.

6th. The same procedures shall be observed in the interpretation, amendment, or repeal of laws or decrees as those established for their enactment.

7th. No bill rejected in the Chamber of its origin may be reintroduced during the session of the same year.

8th. The enactment of laws or decrees may begin without distinction in either of the two Chambers, with the exception of bills that deal with loans, duties, or taxes, or the recruiting of troops, all of which shall first be discussed in the Chamber of Deputies.

9th. Bills shall be discussed preferably in the Chamber in which they are introduced, unless one month has elapsed since they were sent to the committee on opinion, without the latter rendering a report, in which case the same bill may be introduced and discussed in the other Chamber.

10th. The Executive of the Union shall not make any objection to the decisions of the Congress or of either of the Chambers when they exercise the functions of an electoral body or of a jury, nor when the Chamber of Deputies declares that one of the high authorities of the Federation should be charged with official offenses.

Nor may the Executive make any objections to the summons to extraordinary sessions made by the permanent committee.

THIRD SECTION

Concerning the Powers of the Congress

ART. 73. The Congress shall have the power:

1st. To admit new States or territories into the federal Union.

2nd. To convert territories into States when they have a population of 80,000 inhabitants and the means necessary to provide for their political existence.

3rd. To form new States within the boundaries of those already existing, provided the following requirements are met:

I. That the section or sections that ask to be erected into States shall have a population of at least 120,000 inhabitants.

II. That it be proved before the Congress that the section has sufficient means to provide for its political existence.

III. That the legislatures of the States the territory of which is affected be heard as to the advisability or inadvisability of the erection of the new State,

which opinion shall be given within six months, reckoned from the day when the respective communication was transmitted to them.

IV. That the Executive of the Federation shall likewise be heard, and he shall submit his report within seven days, reckoned from the date when it was requested.

V. That the erection of a new State shall be ratified by a vote of two-thirds of the Deputies and Senators present in their respective Chambers.

VI. That the resolution of the Congress be ratified by the majority of the legislatures of the States, following examination of a copy of the record, provided that the legislatures of the States the territory of which is affected shall have given their consent.

VII. If the legislatures of the States the territory of which is affected have not given their consent, the ratification referred to in the previous section shall be made by two-thirds of the legislatures of all the other States.

4th. To adjust definitely the boundaries of the States, resolving the disputes arising among them over the demarcation of their respective territories, unless these differences have a justiciable nature.

5th. To change the seat of the supreme powers of the Federation.

6th. To legislate in all matters relative to the federal district and territories, on the following principles:

I. The government of the federal district shall be the jurisdiction of the President of the Republic, who shall govern by means of the agency or agencies determined by the respective law.

II. The government of the territories shall be entrusted to governors responsible directly to the President of the Republic, who may freely appoint and remove them.

The territories shall be divided into municipalities, which shall have a territorial extent and a number of inhabitants sufficient to enable them to exist with their own resources and to contribute to the common expenses.

Each municipality of the territories shall be in charge of a municipal council of direct, popular election.

III. The governors of territories shall deliberate with the President of the Republic through the channels determined by law.

IV. The appointment of magistrates to the superior tribunal of justice of the federal district and of the territories shall be made by the President of the Republic, and submitted for the approval of the Chamber of Deputies, which shall grant or refuse this approval within the definite period of ten days. Should the Chamber fail to decide within said time, the appointments shall be considered approved. The magistrates appointed by the President of the Republic cannot take possession of their offices without the approval of the Chamber. In case the Chamber of Deputies does not approve two successive appointments for the same vacancy, the President of the Republic shall make a third appointment, which shall be effective immediately as provisional and

which shall be submitted to the approval of the Chamber at the following regular session. At this session, the Chamber shall accept or reject the appointment within the first ten days; if it approves or takes no action, the provisionally appointed magistrate shall continue in his functions in permanent character. If the Chamber rejects the appointment, the provisional magistrate shall immediately suspend his functions and the President of the Republic shall submit a new appointment for the approval of the Chamber of Deputies within the time specified.

In cases of temporary absence of the magistrates for more than three months, substitutions shall be effected by appointments that the President of the Republic shall submit to the approval of the Chamber of Deputies, or, during its recess, to that of the permanent committee, observing in such case the provisions of the foregoing clauses.

In cases of temporary absence that do not exceed three months, the organic law shall determine the manner of making the substitution. If a magistrate is absent through death, resignation, or disability, the President of the Republic shall submit a new appointment for the approval of the Chamber of Deputies. If the Chamber is not in session, the permanent committee shall give its provisional approval until the former meets and gives final approval.

The minor and correctional judges of first instance of the federal district and of the territories shall be appointed by the superior tribunal of justice of the federal district; they shall have the qualifications that the law requires and shall be replaced, during their temporary absence, in the manner that the law itself specifies.

The remuneration that the magistrates and judges receive for their services shall not be diminished during their term of office.

The above-mentioned magistrates and judges to whom this clause refers may be removed from their office for malfeasance, in conformity with the final part of Article *xxx*, or as the result of impeachment proceedings.

V. The Public Ministry in the federal district and territories shall be in charge of an Attorney General, who shall reside in Mexico City, and of a number of agents to be determined by law, such official to be directly subordinate to the President of the Republic, who may appoint and remove him freely.

7th. To impose the taxes necessary to cover the budget.

8th. To specify the basis on which the Executive may negotiate loans on the credit of the Nation; to approve these same loans and to take cognizance of and to order the payment of the national debt. No loan may be negotiated except for the execution of works that may directly produce an increase of public revenues, save for those that may be undertaken for purposes of monetary regulation, operations of conversion, and those that may be contracted during any emergency declared by the President of the Republic, under the terms of Article 29.

9th. To forbid that restrictions be established in the commerce from State to State.

10th. To legislate for the entire Republic regarding hydrocarbons, mining, the cinematographic industry, commerce, games of chance, institutions of credit, and electrical energy, to establish a bank of sole issue under the terms of Article 28 of this Constitution, and to facilitate the laws regulating work in Article 123 of the Constitution.

11th. To create and abolish public offices of the Federation and to fix, increase, or diminish their remuneration.

12th. To declare war, in view of the facts that the Executive presents to it.

13th. To regulate the manner in which letters of marque may be issued, to enact laws according to which prizes on sea and land may be declared valid or invalid, and to enact admiralty laws for times of peace and war.

14th. To raise and maintain the armed institutions of the Union, to wit: the army, navy, and national air force, and to regulate their organization and service.

15th. To formulate rules with the purpose of organizing, arming, and disciplining the national guard, reserving to the citizens who compose it the selection of their respective commanders and officers, and to the State, the authority to train it in accordance with the discipline prescribed by the said regulations.

16th. To enact laws on nationality, legal status of aliens, citizenship, naturalization, colonization, emigration and immigration, and the general public health of the Republic.

I. The council of general public health shall be directly subordinate to the President of the Republic, without the interposition of any ministry of State, and its general regulations shall be obligatory in the country.

II. In case of epidemics of a serious character, or danger of the invasion of the country by exotic diseases, the department of public health shall have the obligation of enacting immediately the necessary preventive measures, with the reservation of being later approved by the President of the Republic.

III. The sanitary authority shall be executive and its regulations shall be obeyed by the administrative authorities of the country.

IV. The measures that the council may put in force in the campaign against alcoholism and the sale of substances that poison the individual and degenerate the race, shall afterwards be reviewed by the Congress of the Union in the cases that belong to it.

17th. To enact laws relating to general means of communication, post roads, and post offices; to enact laws on the use and supply of waters under federal jurisdiction.

18th. To establish mints, regulate the value and kinds of national currency, fix the value of foreign moneys, and adopt a general system of weights and measures.

19th. To fix the rules regulating the occupation and alienation of unoccupied lands and the prices of these.

20th. To enact laws regarding the organization of the Mexican diplomatic service and the consular service.

21st. To define crimes and offenses against the Federation and to fix the penalties that may be imposed.

22nd. To grant amnesties for offenses, the jurisdiction over which belongs to the tribunals of the Federation.

23rd. To make its by-laws and to enact the necessary provisions to compel the attendance of absent Deputies and Senators and to punish the acts of commission or omission of those present.

24th. To enact the organic law of the office of the Auditor General.

25th. To establish, organize, and maintain throughout the Republic rural, elementary, superior, secondary, and professional schools; institutions of scientific research, fine arts, and technical instruction; vocational schools of agriculture and of mining, of arts and trades, museums, libraries, observatories, and other institutes for the general culture of the inhabitants of the Nation, and to legislate in all matters that refer to said institutions; likewise, to enact laws better to distribute the educational functions and to grant the economic support necessary to such public services among the Federation, the States, and the municipalities with the object of unifying and co-ordinating education in the entire Republic. The diplomas granted by the above institutions shall be recognized throughout the Republic.

26th. To grant leave of absence to the President of the Republic, to constitute itself as an electoral college, and to designate the citizen to replace the President of the Republic, whether it may be with the character of a substitute, interim or provisional, in the terms of Articles 84 and 85 of this Constitution.

27th. To accept the resignation from office of the President of the Republic.

28th. To audit the accounts that the Executive must present annually to it, said audit consisting not only of determining the conformity of the amounts disbursed to the budget of expenditures, but also the correctness and authorization of such items.

29th. To establish taxes:

I. On foreign commerce.

II. On the use and exploitation of the natural resources included in Paragraphs 4 and 5 of Article 27.

III. On institutions of credit and insurance companies.

IV. On public services granted or operated directly by the Federation; and

V. Especially on:

a) Electrical energy.

b) The production and consumption of processed tobaccos.

c) Gasoline and other products derived from petroleum.

d) Matches.

- e) *Aguamiel*¹ and the products of its fermentation; and
- f) Forest exploitation.

The federate entities shall participate in the furnishing of these special taxes in the proportion that the secondary federal law determines. Local legislatures shall fix the corresponding percentage for the municipalities, in their receipts, by the principle of a tax on electric energy.

30th. To enact all laws that may be necessary to carry into effect the foregoing powers and all other powers granted by this Constitution to the branches of the Union.

ART. 74. The exclusive powers of the Chamber of Deputies are:

1st. To sit as an electoral college to exercise the powers vested in it by law, with respect to the election of President of the Republic.

2nd. To insure, by means of a committee of its own members, the faithful performance of the functions of the office of the Auditor General.

3rd. To appoint the higher officials and other employees of that office.

4th. To approve the annual budget of expenditures, first discussing the taxes that, in its judgment, should be levied to cover it.

5th. To take cognizance of accusations made against the public officials mentioned in this Constitution, for official offenses, and, if necessary, to institute impeachment before the Chamber of Senators; to act as a grand jury to decide whether or not there is ground for proceeding against any of the public officials who enjoy constitutional immunity, when they may be accused of common offenses.

6th. To grant or refuse its approval of the appointments submitted by the President of the Republic of magistrates to the superior tribunal of justice of the federal district and those of the territories.

7th. To declare justifiable or not, the requests made by the President of the Republic for the removal of judicial authorities as prescribed in the final paragraph of Article 111.

8th. The other powers that this Constitution expressly confers.

ART. 75. The Chamber of Deputies, when approving the budget of expenditures, shall not fail to assign the compensation that belongs to every office established by law, and if, for any reason, the assignment of said remuneration should be omitted, then it shall be understood that the amount assigned in the preceding budget, or in the law establishing such office, shall apply.

ART. 76. The exclusive powers of the Senate are:

1st. To approve diplomatic treaties and conventions made by the President of the Republic with foreign powers.

2nd. To ratify the appointments, that the same official makes, of ministers, diplomatic agents, consuls general, superior officials of the treasury, colonels and other high officers of the national army, navy, and air force, in the manner provided by law.

1. The unfermented juice of the maguey plant.

3rd. To authorize the President also to allow the departure of national troops beyond the boundaries of the country, to permit the passage of foreign troops through national territory, and the stationing of fleets of other powers in Mexican waters for more than one month.

4th. To give its consent for the President of the Republic to use the national guard outside of their respective States or territories, fixing the number of men necessary.

5th. To declare, when all the constitutional powers of any State may have disappeared, that the occasion has arisen to appoint a provisional governor, who shall call for elections to be held in conformity with the constitutional laws of the same State. The appointment of the governor shall be made by the Senate, on the proposal of a panel by the President of the Republic, with the approval of two-thirds of the members present, or, during recess, by the permanent committee, according to the same rules. The official thus appointed may not be elected constitutional governor in the elections held by virtue of the call that he shall issue. This provision shall govern provided that the constitutions of the States do not provide for such a case.

6th. To decide political questions arising between the powers of a State whenever one of them appeals to the Senate for the purpose, or whenever a conflict of arms has arisen to disturb constitutional order through such differences. In this case the Senate shall make its decision in accordance with the general Constitution of the Republic and that of the State.

The exercise of this and of the foregoing power shall be regulated by law.

7th. To sit as a grand jury to take cognizance of official crimes of officers of the State, as expressly prescribed by this Constitution.

8th. To grant or refuse approval of appointments of Ministers of the Supreme Court of Justice of the Nation, as well as requests for leaves of absence and the resignations of the same officials, that the President of the Republic submits to it.

9th. To declare justifiable or not the requests for dismissal of judicial authorities made by the President of the Republic in the terms of the final part of Article III; and

10th. To exercise other powers vested in it by this Constitution.

ARR. 77. Each one of the Chambers may, without the intervention of the other:

1st. Make financial decisions relative to its internal government.

2nd. Communicate with the legislative Chamber and with the Executive of the Union by means of committees chosen from its members.

3rd. Appoint the employees of its secretariat and organize the internal administration of the same.

4th. Issue a call for special elections with the purpose of filling vacancies among their respective members.

FOURTH SECTION

Concerning the Permanent Committee

ART. 78. During the recess of the Congress there shall be a permanent committee composed of twenty-nine members, of whom fifteen shall be Deputies and fourteen Senators, appointed by their respective Chambers on the eve of the closing of the sessions.

ART. 79. The permanent committee, in addition to the powers expressly conferred upon it by this Constitution, shall have the following duties:

1st. To give its consent to the use of the national guard in the cases mentioned in Article 76, Fraction IV [i.e., 4th Clause, above].

2nd. To administer the oath of office, should the occasion arise, to the President of the Republic, to the members of the Supreme Court of Justice of the Nation, and to the magistrates of the federal district and territories, if the latter officials are in Mexico City.

3rd. To pass judgment on all matters that remained undecided in order that they may be continued in the next session.

4th. To decide upon the call for extraordinary sessions of the Congress or of a single Chamber, either on its own initiative or on the proposal of the Executive, for which, in both cases, a vote of two-thirds of the individuals present shall be necessary. The call shall specify the purpose or purposes of the extraordinary session.

5th. To grant or refuse their approval of appointments of Ministers of the Supreme Court and magistrates of the superior tribunal of justice of the federal district and of the territories, as well as the requests for leaves of absence by the Ministers of the Court, that the President of the Republic may submit to it.

6th. To grant a leave of absence to the President of the Republic for thirty days and to appoint a substitute for this period.

CHAPTER III

Concerning the Executive Power

ART. 80. The exercise of the supreme executive power of the Union shall be deposited with a single individual who shall be called "President of the United Mexican States."

ART. 81. The election of the President shall be direct and in the manner that the electoral law provides.

ART. 82. To be President it is necessary:

1st. To be a Mexican citizen by birth, in full enjoyment of his rights, and the son of Mexican parents by birth.

2nd. To be more than thirty-five years of age at the time of the election.

3rd. To have resided in the country during the entire year prior to the day of the election.

4th. Not to possess ecclesiastical status or to be a minister of any denomination.

5th. In the event of belonging to the army, not to have been in active service during six months prior to the day of election.

6th. Not to be a Secretary or Subsecretary of State, chief or secretary general of an administrative department, Attorney General of the Republic, or governor of any State or territory, unless he has resigned such office at least six months before the day of the election; and

7th. Not to be included in any of the disqualifications established in Article 83.

ART. 83. The President shall enter into the performance of his office on December 1st and shall continue in it six years. Any citizen who has discharged the office of President of the Republic, popularly elected or in the character of interim, provisional, or substitute, may in no case and for no reason again hold this office.

ART. 84. In case of the permanent absence of the President of the Republic occurring during the first two years of his respective term, the Congress, if it is in session, shall immediately be constituted as an electoral college, with an attendance of at least two-thirds of the whole number of its members, and shall appoint an interim President by secret ballot and by an absolute majority of votes; the same Congress shall, within the ten days following that of the designation of the interim President, issue a call for the election of a President who shall conclude the respective term; a period of not less than fourteen months or more than eighteen shall elapse between the date of the call and that designated for the elections.

If the Congress is not in session, the permanent committee shall immediately appoint a provisional President and shall convoke the Congress in extraordinary session so that the latter in turn may designate an interim President and call a presidential election in the terms of the preceding article.

When the absence of the President occurs in the last four years of his respective term, the Congress of the Union, if it is in session, shall designate a substitute President to conclude the term; if the Congress is not in session, the permanent committee shall appoint a provisional President and shall call the Congress of the Union into extraordinary session to act as an electoral college and elect a substitute President.

ART. 85. Should the President-elect fail to present himself at the beginning of the constitutional term, or if the election has not been completed and certified before December 1st, the President whose period has just concluded shall, however, leave his office, and a person designated by the Congress of the Union shall immediately assume the executive power with the status of interim President, or, in the absence of the Congress, by the permanent com-

mittee, which shall appoint a provisional President, proceeding in conformity with the provisions of the foregoing article.

When the absence of the President is temporary, the Congress of the Union, if it is in session, or the permanent committee if the Congress is in recess, shall designate an interim President to function during the time of said absence.

When the absence of the President is for more than thirty days, and the Congress of the Union is not in session, the permanent committee shall call an extraordinary session of the Congress to decide upon a leave of absence, and to name an interim President in such case.

If the temporary absence becomes permanent, the procedure shall be the same as provided in the preceding article.

ART. 86. The President of the Republic may resign his office only for a serious reason upon which the Congress of the Union shall pass and to which body the resignation shall be presented.

ART. 87. The President, on taking possession of his office, shall take the following oath before the Congress of the Union, or, during its recess, before the permanent committee: "I swear to defend and enforce the Political Constitution of the United Mexican States and the laws enacted thereunder, and faithfully and patriotically to discharge the office of President of the Republic that the people have conferred upon me, bearing in mind the welfare and prosperity of the Union, and if I fail, the Nation may call me to account."

ART. 88. The President of the Republic may not absent himself from the national territory without permission from the Congress of the Union.

ART. 89. The powers and obligations of the President are the following:

1st. To promulgate and execute the laws that the Congress of the Union enacts, providing within the administrative sphere for their exact observance.

2nd. To appoint and remove freely the Secretaries of the Cabinet, the Attorney General of the Republic, the governor of the federal district and the governors of the territories, the attorney general of justice of the federal district and territories; to remove diplomatic agents and the higher employees of the treasury, and to appoint and remove freely all other employees of the Union whose appointments or dismissals are not otherwise determined by the Constitution or by the laws.

3rd. To appoint ministers, diplomatic agents, and consuls general with the approval of the Senate.

4th. To appoint colonels and other superior officers of the national army, navy, and air force, and the higher officials of the treasury, with the approval of the Senate.

5th. To appoint other officers of the national army, navy, and air force, according to law.

6th. To dispose of the permanent armed land, sea, and air forces for the internal security and external defense of the Federation.

7th. To dispose of the national guard for the same purposes, as provided by Fraction IV [i.e., 4th Clause] of Article 76.

8th. To declare war in the name of the United Mexican States after the passage of a resolution by the Congress of the Union.

9th. To grant letters of marque, subject to the conditions fixed by the Congress.

10th. To direct diplomatic negotiations and to negotiate treaties with foreign powers, submitting them for the ratification of the federal Congress.

11th. To call the Congress in extraordinary session when the permanent committee so agrees.

12th. To extend to the Judiciary the aid that is necessary for the prompt exercise of its functions.

13th. To equip ports of all classes, to establish maritime and frontier customs houses and to designate their location.

14th. To grant pardons, according to law, to offenders sentenced for crimes within the competence of federal tribunals and to those sentenced for ordinary offenses in the federal district and territories.

15th. To grant exclusive privileges, for a limited time and according to the respective laws, to discoverers, inventors, or perfecters of inventions in any branch of industry.

16th. When the Chamber of Senators is not in session, the President of the Republic may provisionally make the appointments referred to in Fractions III and IV [i.e., 3rd and 4th Clauses, above] with the provision that they be submitted for the approval of said Chamber when in session.

17th. To appoint magistrates of the superior tribunal of justice of the federal district and of the territories and to submit the appointments to the Chamber of Deputies for approval or, in its stead, to the permanent committee.

18th. To appoint Ministers of the Supreme Court of Justice and to submit their appointments, leaves of absence, and resignations to the approval of the Chamber of Senators or, in its stead, to the permanent committee.

19th. To request the removal from office of the judicial authorities referred to in the final part of Article III, on account of misbehavior.

20th. To exercise all other powers conferred expressly by this Constitution.

ART. 90. For the transaction of business of an administrative nature of the Federation, there shall be the number of Secretaries prescribed by the Congress in a law, which shall distribute the matters to be in charge of each Secretary's office.

ART. 91. To be a Secretary of the Cabinet it is necessary: to be a Mexican citizen by birth, to be in exercise of his rights, and to be more than thirty years of age.

ART. 92. All regulations, decrees, and orders of the President shall be signed by the Secretary of the Cabinet to whose department the matter pertains, and they shall not have force without this requisite. The regulations, decrees, and

orders of the President relating to the Government of the federal district and to the administrative departments shall be sent by the President directly to the governor of the district or to the chief of the respective department.

ART. 93. The Secretaries of the Cabinet, as soon as the regular session of the Congress has opened, shall give an account to the Congress as to the condition of their respective departments. Either of the Chambers may summon the Secretaries of State to render a report when a law is being debated or some matter relating to their departments is being studied.

CHAPTER IV

Concerning the Judicial Power

ART. 94. The exercise of the judicial power of the Federation is deposited with a Supreme Court of Justice, with circuit tribunals, and with district courts, the number and powers of which shall be fixed by law. The Supreme Court of Justice of the Nation shall be composed of twenty-one Ministers and shall function in full tribunal or divided into chambers, as provided by law. Hearings of the court in banc or of the chambers shall be public, with an exception made of cases where morals and public interests require that they be secret. Sessions shall be held in the form and manner that the respective law establishes. The remuneration received for their services by the Ministers of the Supreme Court, the circuit magistrates, and the district judges shall not be diminished during their term of office.

Ministers of the Supreme Court, circuit magistrates, and district judges may be removed from their positions for misbehavior, in accordance with the final part of Article 111 or following a verdict of corresponding responsibility.

ART. 95. To be elected a Minister of the Supreme Court of Justice of the Nation it is necessary:

1st. To be a Mexican citizen by birth, in full exercise of his political and civil rights.

2nd. To be not more than sixty-five years of age, nor less than thirty-five, on the day of the election.

3rd. To have possessed, on the day of the election, for a minimum time of five years, a professional diploma as a lawyer, issued by an authority or organization legally empowered to do so.

4th. To enjoy a good reputation and not to have been convicted of any crime punishable by imprisonment of more than one year in the penitentiary; but if it deals with theft, fraud, forgery, abuse of confidence, or any other crime that seriously damages his good reputation in the public judgment, he shall be incapacitated from holding office, whatever may have been the penalty.

5th. To have resided in the country during the last five years, except in case

of absence in the service of the Republic for a period not more than six months.

ART. 96. Appointment of the Ministers of the Supreme Court shall be made by the President of the Republic and submitted to the approval of the Chamber of Senators, which shall grant or refuse its approval within a definite period of ten days. If the Chamber does not decide within the said period, the appointments shall be considered as approved. The Magistrates of the Supreme Court appointed by the President of the Republic may not take office without the approval of the Senate. In case the Chamber of Senators does not approve two successive appointments for the same vacancy, the President of the Republic shall name a third appointee, who shall immediately take office provisionally, and shall be submitted for the approval of said Chamber in the following regular session. Within the first ten days of this session, the Senate shall accept or reject the appointment, and if it accepts or does not decide, the Magistrate appointed shall continue in his functions permanently. If the Senate rejects the appointment, the provisional Minister shall immediately relinquish his functions and the President of the Republic shall submit a new appointment for the approval of the Senate, in the indicated manner.

ARR. 97. The circuit magistrates and the district judges shall be appointed by the Supreme Court of Justice of the Nation and shall have the qualifications that the law requires.

The Supreme Court of Justice may transfer the district judges, moving them from one district to another, or fixing their residence in another town, as deemed advisable for the best public service. The same may be done in the case of the circuit magistrates.

The Supreme Court of Justice of the Nation shall also appoint supernumerary circuit magistrates and district judges to assist in the work of the tribunals or courts where there may be an excess of business, in order to assure that the administration of justice may be prompt and efficient. It shall appoint one or several of its members or some district judge or circuit magistrate, or designate one or several special commissioners when deemed necessary, or when the federal Executive or either of the Chambers of the Union or the governor of any State may request it, but only to investigate the conduct of some federal judge or magistrate, or any act or acts constituting a violation of any individual guarantee or abuse of the public vote, or any other offense punishable by the federal law.

The circuit tribunals and district courts shall be distributed among the Ministers of the Supreme Court, who shall visit them periodically, observe the conduct of the magistrates and judges presiding over them, hear the complaints presented against said magistrates and judges, and perform any other duties prescribed by law. The Supreme Court of Justice may freely appoint and remove its secretary or any other employees serving it, with strict observ-

ance of the respective law. In the same way, the circuit magistrates and district judges shall appoint or remove their respective secretaries and clerks.

The Supreme Court of Justice shall designate each year one of its members as president, with the right of re-election.

Each Minister of the Supreme Court of Justice, on entering into the exercise of his office, shall take an oath before the Senate, and, in its recess, before the permanent committee, in the following form:

President: "Do you swear to discharge faithfully and patriotically the office of Minister of the Supreme Court of Justice of the Nation, which has been entrusted to you, and to observe and cause to be observed the Political Constitution of the United Mexican States and the laws that emanate from it, having in mind the welfare and prosperity of the Union?"

Justice: "Yes, I swear."

President: "If you fail to do so, may the Nation call you to account."

The circuit magistrates and district judges shall take oath before the Supreme Court or before an authority designated by law.

ART. 98. A Minister of the Supreme Court of Justice of the Nation who is temporarily absent from office, for a time that does not exceed one month, shall not be replaced by a substitute, if said Court has a quorum for its sessions, but should it lack a quorum or should the absence exceed one month, the President of the Republic shall submit the appointment of a provisional Minister for the approval of the Senate or, in its recess, that of the permanent committee, observing in each case the provisions in the final part of Article 96.

In the event of the death, resignation, or incapacity of a Minister, the President of the Republic shall submit a new appointment for the approval of the Senate. If the Senate should not be in session, the permanent committee shall give its approval until such time as the former body assembles and gives definitive approval.

ART. 99. Resignations of Ministers of the Supreme Court of Justice shall be submitted only for serious reasons; they shall be submitted to the Executive, and if he accepts them they shall be sent to the Senate for approval and, in the event of its being in recess, to the permanent committee.

ART. 100. Leaves of absence of the Ministers, when they do not exceed one month, shall be granted by the Supreme Court of Justice of the Nation; those that exceed this time shall be granted by the President of the Republic, with the approval of the Senate or, during its recess, of the permanent committee.

ART. 101. The Ministers of the Supreme Court of Justice, the circuit magistrates, the district judges, and their respective secretaries may not in any case accept and fulfill employment or office in the Federation, in the States, or of a private nature, except honorary offices in scientific, literary, or philanthropic associations. Violation of this provision shall be punishable by the loss of office.

ART. 102. The law shall organize a Public Ministry of the Federation, the officials of which shall be appointed and removed by the Executive, in accordance with the respective law, and which shall be presided over by an Attorney General, who shall have the same qualifications as those required to be a Magistrate of the Supreme Court.

The prosecution, before the tribunals, of all federal offenses shall be the duty of the Public Ministry of the Federation and, therefore, it shall request orders of arrest for offenders; procure and present evidence as to the liability of these; see that the trials are conducted with all regularity in order that the administration of justice may be prompt and efficient; request the imposition of sentence; and intervene in all matters that the law may determine.

The Attorney General of the Republic shall personally intervene in all matters to which the Federation may be a party; in cases affecting ministers, diplomats, and consuls general, in those that arise between two or more States of the Union, between a State and the Federation, or between the branches of the same State. The Attorney General of the Republic may intervene in person or through one of his attorneys in other cases where the intervention of the Public Ministry of the Federation is necessary.

The Attorney General of the Republic shall be the legal counselor of the Government. Both he and his assistants shall strictly obey the provisions of the law, being responsible for every offense, omission, or violation that they may incur in the discharge of their duties.

ART. 103. The tribunals of the Federation decide on all controversies arising:

- 1st. Out of laws or acts of the authorities that violate individual guarantees.
- 2nd. Because of laws or acts of the federal authority restricting or encroaching on the sovereignty of the States.
- 3rd. Because of laws or acts of State authorities that invade the sphere of federal authority.

ART. 104. Tribunals of the Federation shall have jurisdiction over:

1st. All controversies of civil or criminal nature that arise from the fulfillment and application of federal laws, or from treaties made with foreign powers. Whenever said controversies affect only the interests of private parties, local judges and tribunals of the States, or the federal district and territories may also, at the election of the plaintiff, assume jurisdiction. Judgments of the courts of first instance may be appealed before the next higher tribunal of the court in which the case was first heard.

In cases in which the Federation is interested, the laws may establish appeals to the Supreme Court of Justice against judgments in second instance or against those of administrative tribunals created by federal law, provided that said tribunals are endowed with full autonomy to enact their decisions.

2nd. All controversies that involve admiralty law.

3rd. Those in which the Federation may be a party.

4th. Those that arise between two or more States, or a State and the Federation, as well as those that arise between the tribunals of the federal district and those of the Federation or a State.

5th. Those that arise between a State and one or more residents of another State.

6th. All cases that involve members of the diplomatic and consular corps.

ART. 105. The Supreme Court of Justice of the Nation shall have exclusive jurisdiction in all controversies that arise between two or more States, between the branches of the same State regarding the constitutionality of its acts, and conflicts between the Federation and one or more States, and in all cases in which the Federation may be a party.

ART. 106. The Supreme Court of Justice shall likewise have the power to reconcile questions of jurisdiction that arise between tribunals of the Federation, between the latter and those of the States, or between those of one State and those of another.

ART. 107. All of the controversies mentioned in Article 103 shall be prosecuted at the instance of the injured party, by means of the procedure and forms of juridical character that the law shall establish on the following principles:

1st. The verdict shall always be such that, if it affects only private individuals, it shall be limited to affording them redress and protection in the special case to which the complaint refers, and shall not make a general statement as to the law or act that causes the complaint.

2nd. In civil and criminal cases, except those referred to in Rule IX [i.e., 9th Clause, below], a writ of *amparo* shall proceed only against the final judgments with respect to which no ordinary recourse may be available by virtue of which these judgments may be modified or amended, provided that a violation of the law in said judgments is charged, or that such violations having been committed during the course of the trial, objections were raised at the time and protest entered against denial of reparations; and provided that, such violation of law having been committed in the first instance, it shall have been alleged in the second instance by way of offense.

Notwithstanding this provision, the Supreme Court may, in penal cases, waive any defect in the complaint, when it is found that there has been a manifest miscarriage of the law that has left the plaintiff without recourse, or when he has been tried by a law not strictly applicable to the case, and that only through ignorance the miscarriage was not protested.

3rd. A writ of *amparo* shall be issued in civil and criminal suits against a violation of the rules of procedure only when the essential parties thereof are affected and in such manner that such violation deprives the plaintiff of defense.

4th. When the law of *amparo* is invoked against a final judgment in a civil case, it shall apply only, in addition to the case mentioned in the preceding

rule, when the requirements of the second rule have been met and said judgment is contrary to the letter of the law applicable to the case or contrary to its legal interpretation, when it includes persons, actions, exceptions, or things that have not been the cause of the suit, or when all these have not been included, either through accidental omission or express refusal.

When the law of *amparo* is invoked against resolutions that are not final, according to the provisions of the foregoing clause, these rules shall be followed as far as possible.

5th. The execution, in criminal cases, of the final judgment against which a writ of *amparo* is being asked, shall be suspended by the responsible authority, for which purpose the plaintiff shall, within the time set by law, give notice under oath to said authority of the interposition of his recourse, accompanying it with two copies, one for the record and the other for the opposing party.

6th. The execution, in civil suits, of a final judgment shall be suspended only if the plaintiff gives bond to cover damages and injuries that the suspension may occasion, unless the other party gives a counter bond to guarantee the restoration of things to their former status, should the writ of *amparo* be issued, and to pay for the damages and injuries resulting thereby. In this case, the interposition of the recourse shall be announced as the foregoing rule indicates.

7th. When a writ of *amparo* is sought against a final judgment, a certified copy of such facts as the plaintiff may designate shall be requested from the responsible authority; to this shall be added the parts indicated by the opposition and the same responsible authority shall state therein clearly and briefly the reasons justifying the act protested, note being taken of the same in the records.

8th. When a writ of *amparo* is sought against a final judgment, the brief, together with the copy referred to in the preceding rule, shall be placed directly before the Supreme Court or remitted by the responsible authority or the judge of the district court of the corresponding State. The Court shall render judgment without any further proceedings than the brief in which is interposed the appeal presented by the opposite party and the Attorney General or the agent whom he may designate for this purpose, and shall include no other legal question than that contained in the complaint.

9th. When acts of authority other than judicial are involved, or acts of the judiciary exercised outside of the suit or after its conclusion, or acts committed during the trial the execution of which may be impossible of attainment, or which affects persons not parties to the suit, the writ of *amparo* may be sought before the judge of the district under whose jurisdiction is located the place where the act protested was committed or attempted; the procedure shall be confined to the report of the authority and to a hearing that shall be called in the same decree as that calling for the report; this hearing shall be held as

soon as possible, the testimonies of both parties offered, and arguments heard that shall not exceed one hour for each side, and the judgment shall be pronounced in the same hearing. The judgment shall be final if the interested parties do not appeal to the Supreme Court within the time fixed by law and in the manner prescribed by Rule VIII [i.e., 8th Clause, above].

Violation of the guarantees of Articles 16, 19, and 20 shall be protested before the tribunal superior to that which commits said violation, or before the corresponding judge of the district, and in one or the other case, an appeal may be taken to the Court against the decision that may be made.

If the district judge should not reside in the same place as the responsible authority, the law shall determine the judge before whom the appeal of *amparo* is to be presented, and this court may provisionally suspend the act protested in the cases and the manner that the same law establishes.

10th. The responsible official shall be consigned to the proper authority when he does not suspend the execution of the act protested, when this should have been done, or when he has admitted an insufficient or inadequate bond; in both of the latter cases, the penal and civil liability shall be held jointly by the official and the party offering the bond and his surety.

11th. If, after the writ of *amparo* is granted, the responsible official insists upon a repetition of the act protested or attempts to evade the judgment of the federal authority, he shall be removed immediately from office, and turned over for trial to the corresponding district judge.

12th. Wardens and jailers who fail to receive a certified copy of the formal order of commitment of an offender, within the seventy-two hours prescribed by Article 19, reckoned from the time the offender is placed at the disposal of the judge, shall bring the fact to the attention of the court immediately on the expiration of the period, and if they do not receive the above-mentioned order within the three hours following, the prisoner shall be set at liberty.

Violators of the above-mentioned article and of this provision shall be immediately consigned to the proper authorities.

Any official who, after making an arrest, fails to place the detained person at the disposal of the court within the next twenty-four hours, shall be turned over to the proper authority or agent thereof.

If the detention is effected outside the locality in which the judge resides, there shall be added to the period specified sufficient time to travel the distance between said locality and that in which the arrest was effected.

TITLE IV

Concerning the Responsibilities of Public Officials

Art. 108. Senators and Deputies of the Congress of the Union, Magistrates of the Supreme Court of Justice of the Nation, Secretaries of the Cabinet, and the Attorney General of the Republic are liable for the common crimes that

they may commit during the time of their office, and also for the crimes, errors, or omissions that they may incur in the exercise of the same office.

Governors of the States and deputies of the local legislatures are liable for violations of the federal Constitution and laws. The President of the Republic may be impeached during his term of office only for treason to the Fatherland and common offenses of a serious nature.

ART. 109. If the offense is of common order, the Chamber of Deputies, by an absolute majority of votes of its total number of members acting as a grand jury, shall determine whether or not there is any ground for proceedings against the accused.

If the finding is negative, there shall not be cause for any further proceedings; but such decision shall not be an obstacle to the prosecution of the charge, when the individual may have relinquished his immunity, since the decision of the Chamber in no way determines the merits of the charge.

If the finding is affirmative, the accused shall by that fact be suspended from his office, and is immediately subject to the action of the common tribunals, excepting the case of the President of the Republic, who may be impeached only before the Chamber of Senators, as in the case of an official offense.

ART. 110. Constitutional immunity shall not be enjoyed by high officials of the Federation when tried for official offenses, errors, or omissions that they may have committed in the discharge of any duty, office, or public commission which they may have accepted in the period during which they enjoy constitutional immunity according to law. The same shall hold true with respect to common offenses committed during the performance of said duty, office, or commission. The procedure to be followed to institute proceedings against a high official when he has returned to exercise his own functions is that prescribed in the preceding article.

ART. 111. The Senate, acting as a grand jury, shall take cognizance of all official offenses, but it may not open the appropriate investigation without a previous accusation by the Chamber of Deputies. If, after conducting such proceedings as it deems advisable and hearing the accused, the Chamber of Senators should determine by a majority of two-thirds of the total of its members that he is guilty, the latter shall be deprived of his position by virtue of said decision and disqualified for holding any other office for the period that the law determines.

When the law indicates another penalty for the same act, the accused shall be placed at the disposal of the common authorities, who shall judge and punish him in accordance with the same law.

In the cases governed by this article and those referred to in Article 109, the decisions of the grand jury and the findings of the Chamber of Deputies shall be final.

Any person may denounce before the Chamber of Deputies common or

official offenses of high officials of the Federation. Whenever the aforesaid Chamber finds there is ground for impeachment, it shall appoint a committee from among its members to sustain, before the Senate, the charges brought.

As soon as possible, the Congress of the Union shall issue a law covering liability of all the officials and employees of the Federation and of the federal district and territories, defining as official offenses or misdemeanors all acts of commission or omission that may result in injury to public interests or to good order, although they may not have been considered so previously. These offenses or misdemeanors shall always be heard by a jury of the people in the manner established by Article 20 for offenses of the press.

The President of the Republic may request from the Chamber of Deputies the removal, for misbehavior, of any of the Ministers of the Supreme Court of Justice of the Nation, of the circuit magistrates, of the district judges, of the magistrates of the superior tribunal of justice of the federal district and of the territories, and the judges of common rank of the federal district and of the territories. If the Chamber of Deputies, first, and the Chamber of Senators, afterward, shall decide in these cases by an absolute majority of votes that the request is justified, the accused official shall be deprived immediately of his position, independently of the legal responsibility that may have been incurred, and the Executive shall proceed with a new appointment.

The President of the Republic, before asking the Chambers for the removal of any judicial official, shall hear the latter privately for the purpose of being able to appraise in good earnest the justification of such request.

ART. 112. The offender cannot be pardoned after a verdict of guilty is pronounced for an official offense.

ART. 113. Responsibility for official offenses and misdemeanors may be exacted only during the term in which the official exercises his office, and within one year thereafter.

ART. 114. There are no privileges or immunities for any public officials in accusations of a civil character.

TITLE V

Concerning the States of the Federation

ART. 115. The States shall adopt for their internal government the popular, representative, republican form of government and shall have the free municipality as the basis of the territorial division of their political and administrative organization, according to the following principles:

1st. Each municipality shall be administered by a council, chosen by direct popular vote, and there shall be no intermediate authority between this body and the government of the State.

Women will participate in municipal elections, under equality of conditions with males, with the right to vote and be voted for.

Municipal presidents, aldermen, and syndics of the councils, chosen popularly by direct election, may not be re-elected for the term immediately following. The persons who discharge the functions of these offices, either by indirect election, appointment, or designation by any authority, no matter what title they may be given, shall not be re-elected for the term immediately following. No officials above mentioned, when they hold their positions as incumbents, may be re-elected for the term immediately following in the character of substitutes, but those who are designated as substitutes may be elected for the term immediately following as incumbents, unless they have performed the duties of incumbent.

2nd. The municipalities shall freely administer their finances, which shall be composed of the taxes imposed by the legislatures of the State, and which, in all cases, shall be sufficient to cover their municipal necessities.

3rd. The municipalities shall be invested with juridical personality for all legal purposes.

The federal Executive and the governors of the States shall command the public military force in the municipalities where they may reside habitually or temporarily.

Governors of States shall not continue in their offices for more than six years.

The election of governors of the States and the local legislatures shall be direct and in the manner provided by their respective electoral laws.

Governors of the States who hold office by ordinary or special popular election may not, in any case or for any reason, again occupy that office in an interim, provisional, or substitute character, or be in charge of that office in any capacity.

The following may never be re-elected for the immediately following term:

I. Substitute constitutional governors, or a governor designated to conclude the term in the case of the permanent absence of the constitutional governor, even when he has been appointed separately.

II. The interim or provisional governor or the citizen who, under any title, replaces the governor in temporary absences, provided he held the office in the last two years of the term.

The qualifications for a constitutional governor of a State are that he be a Mexican citizen by birth and a native of the State, or with a residence of not less than five years immediately preceding the day of election.

The number of representatives in the legislatures of the States shall be proportional to the inhabitants of each one; but in no case shall there be fewer than seven deputies in States having a population of less than 400,000 inhabitants; or nine, in those the population of which exceeds this number but does not reach 800,000; and eleven in States having a population greater than this last figure.

Deputies to the legislatures of the States may not be re-elected for the term immediately following. Substitute deputies may be elected for the term im-

mediately following, in the character of incumbents, provided they have not performed the duties of an incumbent deputy, but the incumbent deputies may not be elected as substitutes for the term immediately succeeding.

ARR. 116. The States shall have the power to fix their respective boundaries among themselves by means of friendly agreements, but these agreements shall not be put into effect without the approval of the Congress of the Union.

ARR. 117. The States may not, in any case:

1st. Make any alliance, treaty, or coalition with another State or with foreign powers.

2nd. Issue letters of marque or reprisal.

3rd. Coin money, emit paper money, stamps, or stamped paper.

4th. Levy duty on persons or articles passing through their territory in transit.

5th. Prohibit or levy duty upon, directly or indirectly, the entrance into or the exit from their territory of any national or foreign merchandise.

6th. Tax the circulation or consumption of national or foreign goods by imposts or duties, exemption of which is made by local customs houses, requiring inspection or registration of packages or documentation to accompany the merchandise.

7th. Make or maintain in force fiscal laws or provisions that relate to changes in duties or requirements by reason of the origin of national or foreign merchandise, whether this change is established because of similar production in the locality or, because, among the similar productions, there is a different place of origin.

8th. Issue bonds of public debt payable in foreign money or outside of the national territory, contract loans directly or indirectly with the governments of other Nations, or contract obligations in favor of foreign companies or individuals, when bonds or notes are payable either to bearer, or are transmissible by endorsement.

The States and municipalities may not negotiate loans except for the execution of works that are intended to produce directly an increase in their respective revenues.

9th. Levy duties upon the production, storage, or sale of tobacco in a manner distinct from or with quotas greater than those that the Congress of the Union authorizes.

The Congress of the Union and the legislatures of the States shall immediately adopt laws intended to combat alcoholism.

ARR. 118. Nor shall the States, without the consent of the Congress of the Union:

1st. Establish duties on ship tonnage or make any port charges or levy imposts or taxes on imports or exports.

2nd. Have, at any time, a permanent troop of soldiers or ships of war.

3rd. Make war themselves on any foreign power, except in cases of invasion

and of danger so imminent that it does not admit of delay. In these cases an account shall be given immediately to the President of the Republic.

ART. 119. Each State has the obligation to deliver without delay criminals of another State or of a foreign State to the authorities who claim them.

In these cases, the writ of the judge who orders the execution of the certificate of extradition shall be sufficient to cause the detention of the accused for one month, if the case involves extradition between States, and for two months, if it is international.

ART. 120. The governors of States are obliged to publish and enforce federal laws.

ART. 121. Complete faith and credit shall be given in each State of the Federation to the public acts, registries, and judicial proceedings of all the others. The Congress of the Union shall, by means of general laws, prescribe the manner of proving said acts, registries, and proceedings and their effect, by subjecting them to the following principles:

1st. The laws of a State shall have effect only within its own territory and, therefore, are not obligatory outside of the same.

2nd. Real estate or chattels shall be subject to the laws of the place in which they are located.

3rd. The verdicts pronounced by the tribunals of a State on intrinsic rights of real estate located in another State shall have executory force in the latter only when its own laws so provide.

Verdicts on personal rights shall be executed in another State only when the person condemned has expressly or by reason of domicile submitted to the court that pronounced it and provided he has been personally cited to come to the judicial hearing.

4th. Acts of a civil nature in accordance with the laws of one State shall have validity in the others.

5th. Professional degrees issued by the authorities of one State, subject to its laws, shall be respected in the other States.

ART. 122. The authorities of the Union have the duty of protecting the States against all exterior invasion or violence. In case of internal uprising or disturbance they shall give equal protection, provided it is requested by the legislature of the State, or by its executive if the former is not assembled.

TITLE VI

Concerning Work and Social Security

ART. 123. The Congress of the Union shall formulate labor laws which shall apply to workers, day laborers, office holders, domestics, and artisans, and, in a general manner, to all labor contracts without contravening the following basic principles:

1st. The maximum duration of work for one day shall be eight hours.

2nd. The maximum length of night work shall be seven hours. Unhealthy or dangerous work is forbidden for women in general and for young persons less than sixteen years of age. Industrial night work is also forbidden for these two classes; and they may not work in commercial establishments beyond ten o'clock at night.

3rd. Young persons more than twelve and less than sixteen years of age shall have six hours as a maximum day's work. The labor of children under twelve years of age is not subject to contract.

4th. The employee shall enjoy at least one day of rest for each six days of labor.

5th. During the three months previous to parturition, women shall not perform physical labor that requires excessive material effort. In the month following childbirth they shall necessarily enjoy the benefit of rest and shall receive their entire salary and retain their employment and the rights that they may have acquired through the labor contract. In the period of lactation, they shall have two special periods of rest each day, of one-half hour each, to nurse their infants.

6th. The minimum compensation that should be received by a working man shall be what is considered sufficient, in view of the conditions of each region, to satisfy the normal needs of his life, his education, and his honest pleasures, considering him as the head of a family. In every agricultural, commercial, manufacturing, or mining enterprise, the workers shall have the right to a participation in the profits, that shall be regulated as indicated in Fraction IX [i.e., 9th Clause, below].

7th. The same payment shall be made for equal work, without taking into account sex or nationality.

8th. The minimum wage shall be exempt from attachment, compensation, or discount.

9th. The establishment of a minimum wage and participation in profits, referred to in Fraction VI [i.e., 6th Clause, above], shall be made by special committees, that shall be formed in each municipality, subordinate to the central board of conciliation and arbitration that shall be established in each State. In the absence of these committees, the minimum wage shall be fixed by the respective central board of conciliation and arbitration.

10th. Wages shall necessarily be paid in money of legal tender, and cannot be paid with merchandise, promissory notes, counters, or any other substitute that anyone may attempt to use in place of money.

11th. When, because of extraordinary circumstances, the regular working hours during a day are increased, 100 per cent shall be added to the amount paid for the normal hours of work as compensation for the extra time worked. Overtime work shall never exceed three hours daily, nor shall it occur three times consecutively. Youths under sixteen years of age and women of any age may not be admitted to this class of labor.

12th. In all agricultural, industrial, or mining business or in any other kind of enterprise, employers shall be obliged to furnish workingmen comfortable and hygienic living quarters for which they may collect rent that shall not exceed one-half per cent monthly of the assessed valuation of the property. They also must establish schools, hospitals, and any other services necessary to the community. If the enterprises are situated within towns and furnish employment for more than 100 workers, they shall be responsible for the first of the above obligations.

13th. Furthermore, in these same centers of work, when the population exceeds 200,000 inhabitants, a tract of land of not less than 5,000 square meters must be reserved for the establishment of public markets, the erection of buildings destined for municipal services and centers of recreation. Establishments for the sale of intoxicating liquors as well as houses for playing games of chance are prohibited in all work centers.

14th. Employers shall be responsible for labor accidents and for occupational diseases of workers, contracted because of, or in the exercise of, the profession of work that they perform; therefore, the employers shall pay the corresponding indemnification whether death or only a temporary or permanent incapacity to work has resulted, in accordance with what the laws determine. This responsibility shall exist even in the case in which the employer contracts for the work through an intermediary.

15th. The employer shall be obliged to observe, in the installation of his establishments, the legal regulations on hygiene and health, and to adopt adequate measures for the prevention of accidents in the use of machines, instruments, and the materials of labor, as well as to organize the same in such a manner as to insure the greatest possible guarantee for the health and safety of the workers compatible with the nature of the work, under the penalties established by law in this respect.

16th. Both employers and employees shall have the right to organize for the defense of their respective interests, forming unions, professional associations, etc.

17th. The laws shall recognize strikes and lockouts as rights of the workingmen and employers.

18th. Strikes shall be legal when they have as their purpose the attaining of equilibrium among the various factors of production, harmonizing the rights of labor with those of capital. It shall be obligatory in public services for the employees to give ten days' notice to the board of conciliation and arbitration of the date agreed upon for the suspension of work. Strikes shall be considered illegal only when the majority of the strikers engage in acts of violence against persons or property, or in case of war, when those acts are committed against establishments and utilities of the Government. Workers in governmental military factories of the Republic are not included in the provisions of this fraction, because they are assimilated into the national army.

19th. Lockouts shall be legal only when an excess of production makes it necessary to suspend work to maintain prices at an approximate level with costs, and with the previous approval of the board of conciliation and arbitration.

20th. The differences or conflicts between capital and labor shall be subject to the decision of a board of conciliation and arbitration, formed by an equal number of representatives of workingmen and employers, with one from the Government.

21st. Should the employer refuse to submit his differences to arbitration or to accept the decision rendered by the board, the labor contract shall be considered terminated and he shall be obliged to indemnify the workers in the amount of three months' wages and shall incur the liability resulting from the conflict; should this refusal be on the part of the workers, the labor contract shall be considered terminated.

22nd. The employer who dismisses a worker without justifiable cause or because he has entered an association or union, or for having taken part in a legal strike, shall be obliged, at the choice of the worker, either to complete the contract or to indemnify him in the amount of three months' wages. He shall also be bound by this obligation when the worker retires from work because of lack of honesty on the part of the employer or because he received bad treatment from him, whether it be to his person, or that of his wife, parents, children, or brothers. The employer may not excuse himself from this responsibility when the bad treatment is due to his subordinates or servants who may work with his consent or permission.

23rd. Credits in favor of workers for salary or wages earned in the last year, and for indemnifications, shall have preference over all other obligations in case of cession of property or bankruptcy.

24th. The worker alone shall be responsible for debts contracted by himself payable to his employer, his associates, members of his household, or dependents, and in no case and for no purpose may payment be exacted from members of the worker's family, nor are said debts payable for an amount exceeding the salary of the employee for one month.

25th. The services of employment placement for workers shall be gratuitous, whether such service be performed by municipal offices, labor exchanges, or any other official or private institution.

26th. Every labor contract made between a Mexican and a foreign employer shall be notarized by a competent municipal authority and countersigned by the consul of the Nation to which the worker intends to go, because, in addition to the ordinary clauses, it shall be clearly specified that the expenses of repatriation shall be borne by the contracting employer.

27th. The following conditions shall be considered null, and shall not obligate the parties to the contract, although they may be expressed therein:

I. Those that stipulate a day's task that is inhuman because it is notoriously excessive, considering the kind of work.

II. Those that fix a salary that is not remunerative in the judgment of the boards of conciliation and arbitration.

III. Those stipulating a lapse of more than a week before payment of a day's wages.

IV. Those indicating as the place of payment of employees a place of recreation, an inn, café, tavern, canteen, or store, except when the payment of employees of those establishments is involved.

V. Those that carry the direct or indirect obligation of acquiring articles of consumption in stores of specified location.

VI. Those that may permit the retention of wages with the idea of a fine.

VII. Those that may constitute a renunciation made by the worker of the indemnification to which he has a right through labor accidents and occupational diseases, damages occasioned by the non-fulfillment of the contract, or by the cessation of the work.

VIII. All other stipulations that may imply renunciation of any right designated to favor the worker in the laws of protection and assistance for laborers.

28th. The laws shall determine the property that constitutes the family patrimony, property that shall be inalienable, that which cannot be subjected to real taxes or attachment and which shall be transmissible by deed of inheritance with simplification of the formalities of inheritance.

29th. The passage of the law of social security shall be considered of public interest and it shall include security against disability, of life, from involuntary stoppage of work, against sickness and accidents, and others with analogous purposes.

30th. Furthermore, co-operative societies established for the construction of inexpensive and hygienic houses intended to be acquired on installments as the property of workingmen, shall be considered of social utility.

31st. The application of the labor laws belongs to the authorities of the States, in their respective jurisdictions, but it is the exclusive competence of the federal authorities in matters relative to the textile, electric, cinematographic, rubber, and sugar industries, mining, hydrocarbons, railways, and enterprises that may have been administered in a direct or indirect form by the federal Government, enterprises that operate by virtue of a federal contract or concession, and industries that may be related; enterprises that carry on work in federal zones and territorial waters; conflicts that affect two or more federated entities, collective contracts that have been declared obligatory in more than one federated entity, and, finally, the obligations that, in educational matters, belong to the employers, in the form and manner fixed by the respective law.

TITLE VII

General Considerations

ART. 124. The powers not expressly granted by this Constitution to federal officials shall be reserved to the States.

ART. 125. No individual may fill two popularly elective federal offices at the same time, nor one federal and one State office, also of popular election; but the elected candidate may choose which of the two he desires to discharge.

ART. 126. No payment may be made that is not included in the budget or provided for by a subsequent law.

ART. 127. The President of the Republic, the members of the Supreme Court of Justice, the Deputies and Senators, and other elective public officials of the Federation shall receive a compensation for their services that shall be determined by law and shall be paid by the federal treasury. This compensation may not be refused, and any law that may increase or decrease it cannot have effect during the term in which an official occupies his office.

ART. 128. Every public official, without any exception, before taking possession of his office, shall take an oath to guard the Constitution and the laws emanating therefrom.

ART. 129. No military authority may, in time of peace, engage in duties other than those that are directly connected with military affairs. Only in the castles, fortresses, and warehouses connected directly with the Government of the Union, and in encampments, barracks, or arsenals that are established for the quartering of troops outside of the cities, shall there be any fixed and permanent military commands.

ART. 130. The federal powers shall exercise the supervision required by law in affairs relating to religious denominations and external discipline. Other authorities shall act as auxiliaries of the Federation.

The Congress cannot enact laws establishing or prohibiting any religion.

Marriage is a civil contract. This and other acts of a civil nature, concerning persons, are within the exclusive competence of the civil officials and authorities, in the manner prescribed by law, and shall have the force and validity defined by said law.

The simple promise to tell the truth and to fulfill obligations that are contracted binds the one who promises, and in case of failure so to do, he will be subject to the penalties that the law establishes for this purpose.

The law does not recognize any personality in religious groups called churches.

Ministers of denominations shall be considered as persons who exercise a profession and shall be directly subject to the laws enacted on such matters.

Only the legislatures of the States shall have the power to determine the maximum number of ministers of denominations necessary to local needs.

To practice the ministry of any denomination in the United Mexican States, it is necessary to be a Mexican by birth.

Ministers of denominations may never, in a public or private meeting constituting an assembly, or in acts of worship or religious propaganda, criticize the fundamental laws of the country or the authorities of the Government, specifically or generally. They shall not have an active or a passive vote, or the right to form associations for political purposes.

Permission to dedicate new locations open to the public for religious purposes must be obtained from the office of the Secretary of Government, with previous consent of the government of the State. There must be a representative in every church building who is responsible to the authorities for compliance with the laws on religious discipline in said building, and for the objects pertaining to the worship.

The representative of each church building, in conjunction with ten additional residents of the neighborhood, shall inform the municipal authorities immediately who is the person in charge of the church in question. When a minister leaves his pulpit, such change shall be reported by him in person, accompanied by the new incumbent and ten other residents of the neighborhood. The municipal authority, under penalty of removal from office and a fine of up to 1,000 *pesos* for each violation, shall see to it that this provision is complied with; under the same penalty, he shall keep one registry book for the church buildings and another for the representatives in charge. The municipal authority shall give notice to the office of the Secretary of Government, through the governor of the State, of every permit to open a new church building to the public, or of any changes of personnel of those in charge. Donations in the form of movable objects shall be held in the interior of church buildings.

No privilege shall be granted, or for any reason confirmed, or any other step assigned that has as its purpose to give validity in the official course of studies to studies made in establishments intended for the professional instruction of ministers of denominations. The authority who infringes this provision shall be criminally responsible, and the privilege or step referred to shall be null and shall cause in itself the nullification of the professional degree for the attainment of which the infraction of this provision may have been made.

Periodical publications of religious character, whether they be such because of their plan, their title, or simply because of their general tendencies, may not comment on national political matters or publish information on acts of the authorities of the country or of private persons directly related to the functioning of public institutions.

The formation of all kinds of political groups, the name of which has any word or indication whatever that it is related to any religious denomination is strictly prohibited. Meetings of a political character may not be held in places of worship

A minister of any denomination may not himself or by means of a proxy inherit or receive any real estate occupied by any association for religious propaganda or for religious or philanthropic purposes. Ministers of denominations are legally incapacitated to be testamentary heirs of the ministers of the same denominations or of any private person who is not related to them, within the fourth degree.

The acquisition by private parties of chattels or real estate owned by the clergy or by religious organizations shall be made in conformity with Article 27 of this Constitution.

Suits for violation of the above provisions shall never be heard before a jury.

ART. 131. It is the particular prerogative of the Federation to levy duties on merchandise that is imported or exported or that passes in transit through national territory, as well as to regulate at all times and even to prohibit, for reasons of security or of the police, the circulation in the interior of the Republic of all kinds of articles, no matter what may be their origin; however, the Federation itself may not establish or enact, in the federal district and territories, the taxes and laws that are expressed in Fractions VI and VII [i.e., 6th and 7th Clauses] of Article 117.

ART. 132. The forts, barracks, storage warehouses, and other real estate intended by the Government of the Union for public service or for common use, shall be subject to the jurisdiction of the federal authorities in the manner to be established by a law that shall be passed by the Congress of the Union; but, in order that properties that may be acquired in the future within the territory of any State shall likewise be under federal jurisdiction, the consent of the respective legislatures shall be necessary.

ART. 133. This Constitution, the laws of the Congress of the Union that emanate from it, and all the treaties that have been made and shall be made in accordance with the same by the President of the Republic, with the approval of the Senate, shall be the supreme law of the whole Union. The judges of each State shall conform to said Constitution, the laws, and treaties in spite of any contradictory provisions that may appear in the constitutions or laws of the States.

ART. 134. All contracts that the Government may negotiate for the execution of public works shall be adjudged after calling for bids that shall be submitted under seal and opened in public assembly.

TITLE VIII

Concerning Amendments to the Constitution

ART. 135. The present Constitution may be extended or amended. In order that the additions or amendments may become part of the same, it shall be necessary that the Congress of the Union, by a vote of two-thirds of the individuals present, agree to the amendments or additions and that they be

approved by a majority of the legislatures of the States. The Congress of the Union shall count the votes of the legislatures and shall make announcement of the additions or amendments approved.

TITLE IX

Concerning the Inviolability of the Constitution

ART. 136. This Constitution shall not lose its force and vigor even should its observance be interrupted by rebellion. In case a government the principles of which are contrary to those that it sanctions should be established through any public disturbance, as soon as the people recover their liberty, its observance shall be re-established, and those who may have taken part in the government emanating from the rebellion shall be judged in accordance with this Constitution and the laws that may have been enacted by virtue of it, as well as those who may have co-operated with such persons.

[February 5th, 1917]

Nicaragua



[For comment about the Central American confederation, 1824-39, see the historical note on Guatemala.]

THE province of Nicaragua adopted its first constitution at León on April 8, 1826, as a component state of the Central American confederation. The Nicaraguan charter was modeled after that of the larger entity but proved difficult of operation. Disintegration of the confederation brought a proclamation of Nicaraguan independence on April 30, 1838. Drafting of a new constitution soon began. The document—"full of dangerous idealism," to quote a Nicaraguan author—was signed on November 12, 1838. A new constituent assembly met in 1848 to draft a constitution; its product was dated July 1 of that year, but a minority boycott of the assembly caused its dissolution and prevented the constitution from becoming effective. Another attempt to supplant the constitution of 1838 was made in the drafting of a new one signed at Managua on April 30, 1854; revolution prevented the promulgation of this law.

Nicaragua's third operative constitution dated from August 19, 1858. The period of confused politics accompanying the filibustering activities of William Walker was over, and the long epoch of Conservative control was at hand. The constitution of 1858 was destined to continue in effect for more than a third of a century. The Liberal revolution of 1893 brought a new constitution. It was signed on December 10, 1893, and was designed to become effective on July 11, 1894, the first anniversary of the revolution. The constitution introduced a number of innovations, chief of which was the unicameral legislature. This device reversed all Nicaraguan practice since the province had become independent in 1838. A long series of amendments, most of them restrictive, was adopted on October 7, 1896.

One of recurrent efforts to combine some or all of the Central American states resulted in the organization late in the nineteenth century of the "United States of Central America," with a constitution signed at Managua on August 27, 1898. The movement had begun along political rather than legal lines as early as 1895 and was referred to popularly as the Greater Republic of Central America. This ephemeral union included only the states of Nicaragua, Honduras, and El Salvador. It was organized on a federal basis, and the constitution called upon each of the component states to cede the departments bordering on the Gulf of Fonseca for the formation of a federal

district. The prevailing constitutions of the three states were left in operation in so far as they did not conflict with the federal constitution. Political difficulties in El Salvador soon caused the collapse of the federation, however.

The fifth Nicaraguan constitution actually to take effect was signed on March 30, 1905. Like its immediate predecessor, it was a product of the dictatorship of Zelaya and, similarly, continued the unicameral legislature. The period of control by Zelaya was almost over, however. Following his downfall in 1909, a disturbed period ensued. A constituent assembly in the early part of 1911 drafted a new constitution, signed on April 4, 1911, but it was stillborn—President Estrada on the following day decreed the dissolution of the assembly and the convening of a new one. The second constituent assembly of the year drafted a new basic law, signed on November 10, 1911, and promulgated on December 21. Another stillborn constitution was drafted by an assembly called late in 1912. The document bore the date of April 3, 1913. On the following day, however, the assembly, at the instance of the executive, made certain changes in the transitory provisions of the constitution of November, 1911, and continued that law in force.

The present constitution, Nicaragua's seventh, was signed on March 22, 1939. Disturbed political conditions in Nicaragua early in 1947 made it questionable how long the constitution of 1939 might be retained.

POLITICAL CONSTITUTION OF NICARAGUA

PRELIMINARY TITLE

FIRST SECTION

Bases of the State

ARTICLE 1. Nicaragua is a unitary State.

ART. 2. The people are the source of all political power and they exercise it by delegating it to the Government of the State, subject to the Constitution and the laws.

ART. 3. The foundation of the national territory is the *uti possidetis juris* of 1821. This included the territory between the Atlantic and Pacific Oceans and the Republics of Honduras and Costa Rica, and it also includes the adjacent islands, the territorial sea, and the corresponding aerial space. Treaties or the law will fix the boundary lines which as yet are not determined.

ART. 4. The territory and sovereignty are indivisible and inalienable. However, treaties may be concluded that tend toward union with one or more of the republics of Central America or that have for their purpose the construction, sanitation, operation, and defense of an inter-oceanic canal across the national territory.

ART. 5. No person or group of persons may usurp the representation of the people or their rights, or make petitions in their name. The violation of this article is an offense.

ART. 6. The State has no official religion.

ART. 7. Spanish is the official language of the Republic.

ART. 8. Nicaragua renounces war as an instrument of national policy in its relations with other States and recognizes as its own the American international law for the organization of peace and the principles contained in the Atlantic Charter of August 14th, 1941.

In particular, it proscribes territorial conquest, treaties of an offensive character, and intervention in the internal or external affairs of other States; it recognizes the principle of self-determination of peoples and the right of choosing their own form of government, and proclaims arbitration and other pacific measures as a means of resolving international conflicts.

SECOND SECTION

Bases of the Government

ART. 9. The Government of the State is republican and representatively democratic.

The organs of the Government are the Legislature, the Executive, and the Judiciary.

ART. 10. The organs of the Government are limited and independent in the exercise of their particular functions, but they will harmoniously collaborate in the realization of the purposes of the State.

ART. 11. No organ of the Government, official, person, or group of persons may take upon themselves, even on the pretext of extraordinary circumstances, any authority or powers that have not been expressly conferred upon them by law. Every act in contravention of this article is void.

ART. 12. The territory, for the purposes of internal political organization, is divided into Departments and a national district called the National District of Managua. Each Department is subdivided into municipalities.

The areas and government of the Departments, of the municipalities, and of the National District of Managua are determined by law.

ART. 13. The seat of the Government is Managua, capital of the Republic.

TITLE I

Concerning Nationality

ART. 14. Nicaraguans are either native or naturalized.

ART. 15. Natives are:

1st. Those born within the territory of Nicaragua, with the exception of children of aliens who may be located in Nicaragua in the service of their Government, and children of transient aliens.

2nd. Children of a Nicaraguan father or mother, born abroad, after they may reside in Nicaragua, or when, by the law of the place of their birth, they have Nicaraguan nationality or the right to elect it, and do choose to be Nicaraguan. .

Children of Nicaraguans, born abroad, whose father or mother is in the present service of the Republic, are Nicaraguans even for the purposes in which the fundamental laws, or any others, require birth within national territory.

3rd. Natives of the other republics of Central America who personally declare before a competent authority the desire to become Nicaraguans and fulfill the legal requirements, provided that reciprocity exists in the country of their origin and is extended to this.

ART. 16. Naturalized citizens are:

1st. Natives of the American republics, Spaniards, and other alien residents who obtain letters of naturalization in conformity with the law.

In this case, the applicant must first renounce his nationality before the respective authority, and declare his desire to adopt the Nicaraguan nationality.

2nd. An alien woman who contracts matrimony with a Nicaraguan, if, while residing in Nicaragua, she declares her desire to acquire Nicaraguan nationality.

ART. 17. Neither marriage nor divorce will affect the nationality of spouse or that of the children.

ART. 18. Nicaraguan nationality is lost:

1st. By voluntary naturalization in a foreign country outside of Central America. Anyone who so loses it, will recover his Nicaraguan status whenever he returns to Nicaragua.

2nd. By cancellation of a letter of naturalization.

ART. 19. Aliens naturalized in Nicaragua lose Nicaraguan nationality when they adopt and propagate political or racial doctrines that carry implicit renunciation of the Fatherland and of the sovereignty of the Republic or that tend to destroy the democratic form of government. The alien who thus loses nationality cannot recover it.

ART. 20. The law will determine and regulate matters relative to naturalization and the manner of acquiring, losing, and recovering it.

ART. 21. Nicaraguans, whether native or naturalized, will enjoy all the rights that the Constitution and the laws grant them and are obliged to defend the Fatherland, respect the authorities, obey the laws, and contribute to the support of the Nation and to its moral and material enrichment.

TITLE II

Concerning Aliens

ART. 22. Aliens enjoy in Nicaragua all the civil rights and guarantees granted to Nicaraguans, with the limitations that the law establishes.

They will be obliged to respect the authorities, obey the laws, and pay all the ordinary and special taxes to which Nicaraguans are subject.

ART. 23. Aliens may not interfere in any way in the political activities of the country.

They remain subject, for violation of this, to the same responsibilities as Nicaraguans, without prejudice to being expelled without previous trial.

ART. 24. Aliens may not present claims or demand any indemnification from the State, except in those cases and in the form applicable to Nicaraguans; but neither the former nor the latter can solicit the State to indemnify them when the damage to their persons or their goods results from acts not committed by legitimate authorities operating in their public character.

ART. 25. Aliens may not use diplomatic intervention except in cases of denial of justice. The latter will not be so understood in the case of an executory verdict unfavorable to the claimant. Those who violate this provision will lose the right to reside in the country.

ART. 26. Aliens may discharge public offices in the fields of charity and the fine arts, or in those that require special technical knowledge, but they may not discharge offices or positions endowed with authority or jurisdiction.

ART. 27. Aliens may not be extradited for political offenses or common

ones connected with them. The judgment of these belongs to the law and the treaties.

TITLE III

Concerning Citizenship

ART. 28. Nicaraguans more than twenty-one years of age and those more than eighteen who can read and write are citizens.

ART. 29. The rights of a citizen are those of holding public office bearing authority or jurisdiction; of assembly, of association, and of making petitions for political purposes, all in accordance with the law.

ART. 30. Obligations of citizens are:

1st. To become inscribed in the electoral registers or catalogues.

2nd. To vote in the popular elections.

3rd. To discharge offices connected with popular elections and those of councils, unless excused or released for cause.

4th. To render military service, and any other that the State requires.

The law will regulate these obligations and will determine the penalties for violation.

Women are exempt from military service. Regarding the vote, the law will determine when they exercise it, requiring the vote of at least three-fourths of the members of the Legislature to enact provisions in this respect.

ART. 31. The rights of citizens are suspended:

1st. For mental incapacity.

2nd. By an order of arrest or a declaration that there is ground for a trial.

3rd. By the imposition of a penalty greater than a correctional one.

4th. For being a fraudulent debtor.

5th. For vagrancy or habitual drunkenness.

6th. For being in the employ of a foreign Nation, in Nicaragua, without proper permission.

7th. For the use of violence, compulsion, corruption, or fraud in the elections.

8th. For ingratitude to parents and unjust abandonment of spouse or legitimate minor children.

9th. In all other cases where the law imposes suspension as a penalty.

A prior and definite judicial verdict will be necessary to cover the causes established by Ordinals 1st, 3rd, 4th, 5th, 7th, 8th, and 9th.

The law will regulate the manner of re-establishing the exercise of citizenship.

In the cases mentioned in this article, the vote of citizens will also be suspended.

ART. 32. The popular vote is personal and cannot be delegated; it is equal and direct.

ART. 33. The principle of the representation of minorities is established, with a tendency toward proportionality.

The law will regulate this precept.

TITLE IV

Concerning Constitutional Guarantees

CHAPTER I

Concerning National Guarantees

ART. 34. The Constitution and the laws equally protect and obligate all the inhabitants of the Republic. Special laws may be enacted only when the nature of things so demands.

ART. 35. Authorities are instituted in order to guarantee all the inhabitants of Nicaragua in their lives and personal integrity, their good name and reputation, and in order to secure the right to property, and the fulfillment of the social duties of the State and of individuals.

ART. 36. Human life is inviolable in Nicaragua, but, while the penitentiary system is not established, the penalty of death may be applied in cases determined by law to traitors to the Fatherland in a foreign war, to criminals in cases of grave offenses of a purely military character, to parricides, to incendiaries, to highwaymen, to pirates, and to assassins.

ART. 37. Only for reasons of public interest or service, and by virtue of a law, may taxes be levied and their payment exempted either in whole or in part.

ART. 38. There will be no personal privilege in the matter of taxes and other public charges.

Imposts and taxes will be established in proportion to the value of property or in the progression or form that the law fixes.

The tax system will tend toward direct levy.

ART. 39. Monopoly for private interest is prohibited, as well as all classes of commercial and industrial control of the market.

Only the law may establish monopolies of the State in the exclusive national interest.

ART. 40. Individuals are responsible before the authorities for violations of the Constitution and the laws. Public officials are responsible for the same causes, or for overstepping the limits of their functions, or for neglect in the exercise of the latter.

ART. 41. No person will be obliged to do that which the law does not order, or be prevented from doing that which it does not prohibit.

ART. 42. In the case of violation of a constitutional precept to the detriment of any person, the superior of the official bringing it about may not exempt him from the responsibility incurred. Soldiers in service are excepted from

this provision. The responsibility in respect to them will fall on the superior who gives the order.

ART. 43. No law may have a retroactive force or effect except in a penal matter in favor of the offender.

ART. 44. Only acts and transgressions declared punishable by laws prior to their commission may be punished.

ART. 45. No one may be refused access to a legal court, or his case be removed to a special jurisdiction without such prescription by a previous law.

ART. 46. The law may establish a trial by jury in criminal and civil cases.

ART. 47. No one may be deprived of the right of defense.

ART. 48. No public agency or official may transfer cases pending before a competent authority to other courts.

ART. 49. Closed trials or processes may in no case be reopened.

The offender in criminal cases may be allowed recourse to revision of closed cases when the penalty imposed may have been greater than merely correctional. The law will regulate the exercise of this right.

ART. 50. The State does not recognize the legal existence of political parties of international organization. Individuals belonging to such may not discharge any public function. Only parties recommending the union of Central America are excepted.

ART. 51. Every service must be remunerated except those that must be furnished gratuitously by virtue of the law or of a sentence founded on it.

ART. 52. The State may, for purposes of general interest, intervene in the exploitation and control of enterprises of public service.

ART. 53. The State may nationalize enterprises of public service, by previous indemnification and in conformity with the law.

ART. 54. No privileged class may exist.

ART. 55. Proscriptive laws, those that inflict opprobrious penalties, or those that last more than twenty-five years are prohibited.

ART. 56. The granting of academic and professional degrees belongs exclusively to the State, which will establish the proofs and requirements necessary to obtain them.

ART. 57. The acceptance of foreign professionals must be made on the basis of possible reciprocity. The law will regulate this provision.

ART. 58. The register of civil status is under the exclusive jurisdiction of the State.

ART. 59. Public cemeteries have a secular character. Ministers of any religious belief may practice their respective rites in them.

ART. 60. There will be no confiscation of property except from the nationals of an enemy country that confiscates property of Nicaraguans.

The right of recovery of property confiscated in contravention of this guarantee is imprescriptible.

In no case may property be sequestered or interfered with for reasons or offenses of a political character.

Offending authorities will at all times answer to this with their persons and property to the extent of the damage inflicted.

ART. 61. All the artistic and historical wealth of the country, irrespective of who may be the owner, constitutes the cultural treasure of the Nation, and enjoys the protection and special care of the State. The latter prohibits its exportation and alienation and may order legal expropriation for its defense and conservation.

ART. 62. The State recognizes freedom of contract, of commerce, and industry.

The law will designate the requirements to which their exercise is subject and the guarantees accorded them. The law may, when they concern public security or necessity, establish limitations or reservations regarding said exercise, or may authorize the Executive to establish them, seeing to it that such restrictions do not in any case have a personal character or a confiscatory one.

CHAPTER II

Concerning Social Guarantees

ART. 63. Property is inviolable. No one may be deprived of his possessions except by virtue of judicial sentence, general taxation, or because of public utility or social interest determined by law or by a sentence based on law, with proper prior indemnification.

In the event of national war, internal disturbance, or public calamity, competent authorities may use private property where the public welfare requires it, always respecting the right to later indemnification.

ART. 64. The State guarantees and protects intellectual property, the rights of the author, of the inventor, and the artist. The law regulates their exercise and duration, and if it demands their expropriation, it will be by means of prior appraised indemnification.

ART. 65. Property, by virtue of its social function, imposes obligations. The amount of these, their nature, and extent are fixed by the law.

ART. 66. The right of property, as concerns its exercise, is subject to the limitations that the maintenance and progress of the social order impose. In harmony with this principle, the law may impose obligations or services of public utility on property in favor of the general interest of the State, of the health of the citizens, and of the public health.

ART. 67. Property, regardless of who may be its owner, is exclusively controlled by the laws of the Republic and is subject to the maintenance of public needs, in accordance with the Constitution and the laws.

ART. 68. Aliens may in no case demand exceptional treatment in respect to property.

ART. 69. The law may, for reasons of public or social interest, establish restrictions or prohibitions on the acquirement and transfer of specified kinds of property, by reason of its nature, condition, or location in the country.

ART. 70. The State will be inclined toward the proper division of uncultivated land, and will favor the establishment and diffusion of medium and small rural holdings.

ART. 71. The possession of any title of any kind may be varied or modified neither by law nor by act on the part of the Government, when made for purposes of social interest, in conformity with the law. The State will supervise the management and investment of such possessions.

ART. 72. Everyone may freely dispose of his property by any legal title whatsoever; but entailment of property is prohibited, as is endowment in favor of mortmain, excepting only those established in order to constitute a family patrimony or in favor of charitable institutions.

ART. 73. Houses of worship and annexes, dedicated exclusively to the practice of a religion, are exempt from taxation.

No edifice or object of worship, used in the practice of a religion, may be assigned by the State to any other use.

The churches, organizations, and religious institutions of any faith will have the same rights as the law grants and recognizes in case of private individuals with regard to property.

ART. 74. The enactment of laws that protect or restrict specified faiths is prohibited.

ART. 75. No penalty may be passed on to any other person than the guilty party.

ART. 76. Prisons are established for security and social defense. The prevention of crime, the re-education of the convict, and his preparation for work outside will be undertaken in them. Every act of cruelty or torture against convicts is prohibited.

ART. 77. Matrimony, the family, and maternity are under the protection and defense of the State.

ART. 78. The State fosters the organization of the family on the legal basis of matrimony.

ART. 79. The State and the municipalities will safeguard the health and social betterment of the family.

ART. 80. Maternity has the right of assistance from the State.

ART. 81. The education of the offspring is the first duty and natural right of parents with respect to their children, in order that the latter may reach the best physical, intellectual, and social development.

Parents without economic resources to assist them have the right to apply for aid to the State for the education of their offspring.

ART. 82. The State will procure the grant of special subsidies for families with numerous children.

ART. 83. The law will procure for illegitimate children the same advantages for their physical, spiritual, and social development as for legitimate ones.

ART. 84. The civil laws will regulate the investigation of paternity.

ART. 85. The law will control the organization and regulation of family inheritance, on the basis that it shall be inalienable, not subject to seizure, and exempt from all public burdens.

ART. 86. Public education is the special interest of the State.

ART. 87. The system of instruction is under the technical inspection of the State.

ART. 88. Primary instruction is obligatory, and, when supported by the State and public bodies, it is free and secular.

ART. 89. The State promotes instruction in the secondary and superior grades.

ART. 90. The law will regulate professional education, determining the professions that require a previous license for their practice, and the formalities for obtaining them.

ART. 91. The State promotes technical education for workers, and schools for agricultural and industrial education.

ART. 92. The moral education of youth will be fostered in all schools, as well as the development of civic sentiment and personal and professional honesty.

ART. 93. The profession of official education is a public career and enjoys the rights fixed by the law.

ART. 94. Usury is prohibited. The law which sets the maximum rate of interest for money is for the benefit of the public. The same law will determine the penalty to be applied to violators.

ART. 95. The State will organize and promote pawnshops and savings banks.

ART. 96. Work is a social duty. Every inhabitant of the Republic has the obligation of applying his physical and intellectual energies in a form that will redound to the benefit of the community. The State guarantees, within this concept, freedom of labor in order that one may freely dedicate himself to the profession, industry, or trade that each finds suitable, provided that it does not oppose public morality, health, and security.

Vagrancy is punishable.

ART. 97. The possibility of earning a living by means of productive work should be procured for all inhabitants, with preference to nationals.

ART. 98. Labor in its diverse forms, industry, and works of charity and social welfare are under the protection of the law.

ART. 99. Agricultural or industrial enterprises that are located outside the radius of urban schools and that embrace more than thirty children of school age will be obliged to maintain a school adequate for primary elemental teaching.

ART. 100. The law recognizes the following rights of workers and employees:

1st. Independence of moral and civic conscience.

2nd. An obligatory weekly day of rest.

3rd. A maximum limit to the working day determined and regulated by law, in accordance with the nature of the same.

4th. A minimum wage based on the cost of living and the conditions and the needs of the different regions and capable of assuring the worker a state of well-being compatible with human dignity.

5th. The payment of all wages within the period fixed in the contract, in national legal money, on a working day, and at the place where the worker is engaged in that work, with the prohibition of payment by merchandise, vouchers, counters, or any other substitute for money.

6th. The payment of daily wages within periods no greater than a fortnight.

7th. Indemnification of accidents of labor in the cases and form determined by law.

8th. Regulation of the work of women and children.

9th. Medical and hygienic assistance to the worker and to the pregnant woman, assuring the latter, without loss of income, a period of rest before and after childbirth.

10th. Overtime for night work except in the cases when it is effected periodically by shifts.

11th. Prohibition of attachment of minimum wages.

12th. A month of vacation with pay after a year of continuous work.

ART. 101. The following will be void in matters of labor and will not obligate the contracting parties:

1st. All stipulations that restrict or change the guarantees and rights that the Constitution recognizes for the individual and for the citizen.

2nd. Those that involve a direct or indirect obligation to buy articles of consumption in specified shops or places.

3rd. Those that extend a contract for a period over two years, provided that such extension may injure the worker.

ART. 102. Tribunals of conciliation will be established for the solution in equitable form of the differences that may arise between employers and workers.

ART. 103. The law will foster hygienic and economical housing for the worker. It will also favor the construction of dwellings and districts that combine those conditions.

ART. 104. The State will procure the creation of a national institution of social insurance.

ART. 105. The law will regulate the form of establishing an insurance fund in favor of wage earners, through reasonable agreement of the beneficiary and the employer, to cover the risks of sickness, invalidity, old age, and unemployment.

CHAPTER III

Concerning Individual Guarantees

ART. 106. All Nicaraguans are equal before the law, except in regard to women on account of the differences inherent in their nature or where the good of the family is concerned.

ART. 107. There will be no privileges by reason of birth, nobility, race, or social condition, or any distinction other than those of ability or virtue.

ART. 108. No other titles will be granted than those belonging to an office, profession, or university degree.

ART. 109. The State guarantees individual liberty. This may not be restricted unless in conformity with the law.

ART. 110. No one may be detained except by a written order from a public official expressly empowered by law.

In cases *in flagrante delicto*, the offender may be arrested by any private individual in order to turn him over to a competent authority or court.

Every order of detention that does not emanate from a competent authority, or that has not been issued with legal formalities, is punishable.

ART. 111. Every detained person must be set at liberty or delivered to a judicial authority within twenty-four hours following the act of detention, exclusive of the extra time it takes to cover the distance for such delivery, according to the case.

ART. 112. Court proceedings will be public. The counsel for the defense will have the right to be present at all summary judicial proceedings, including the declaration of the defendant.

ART. 113. No one will be obliged in a criminal, correctional, or police case to declare against himself, his spouse, or his relatives within the fourth degree of consanguinity or the second of affinity.

ART. 114. No order of imprisonment may be issued without full proof that an act has been committed that calls for a greater penalty than a purely correctional one, and without at least grave presumption that the party to be imprisoned is guilty.

ART. 115. When the offense for which one is being tried does not call for imprisonment for more than two years, the judges may place the defendant at liberty by means of a bond, in accordance with the law.

ART. 116. Every detention for investigation shall cease to have effect, or shall be changed to imprisonment, within ten days after the person detained has been delivered to a competent court.

ART. 117. Every restriction of personal liberty for debts or purely civil obligations is prohibited, unless it be by judicial agreement or bond in the cases and for the period that the law prescribes.

ART. 118. The State guarantees the right of *habeas corpus*. Any person

illegally detained or threatened with detention by virtue of an arbitrary order, or any other inhabitant of the Republic acting for him, may invoke orally or by writing before a competent tribunal recourse to the writ of *habeas corpus* in order that the person apprehending shall, in such case, present the one detained and shall immediately explain and justify the legal cause for detention or threat of detention, conforming to what the tribunal decides in the matter.

ART. 119. Every person has the right to demand protection in order to make effective the guarantees that the Constitution and the constitutional laws establish, when they are unduly restrained in the enjoyment of those guarantees by laws, decrees, decisions, orders, commands, or acts on the part of any authority, official, or agents of the same.

ART. 120. All persons may travel freely within the national territory and choose therein their residence and domicile without being compelled to change it unless it be by virtue of an executed sentence. The right to emigrate and immigrate is recognized, under the limitations that the law establishes.

ART. 121. It is the province of the law to determine the rules and conditions for the expulsion of aliens from the national territory.

ART. 122. The State is not obliged to surrender any of its nationals, but if it refuses extradition it must try them for the offenses committed.

ART. 123. The State guarantees the inviolability of the home. The habitation of all persons in Nicaraguan territory may be broken into by the authorities only in the following cases:

1st. In the actual pursuit of an offender.

2nd. To remove a criminal surprised *in flagrante delicto*.

3rd. When the tenant requests it, when an offense is committed therein, or when a serious disturbance has been created therein that requires prompt remedy.

4th. In case of fire, earthquake, flood, epidemic, or other analogous emergency.

5th. For any visit or inspection of a statistical, sanitary, or hygienic character.

6th. To release a person unlawfully held.

7th. To remove, by virtue of a writ, objects sought, when there is sufficient proof of the existence of said objects therein.

8th. In order to execute a judicial decision, mandate, or order legally issued.

9th. To arrest a criminal whose detention or imprisonment has been ordered, provided that there is sufficient proof that he is concealed in the place to be entered.

The entrance shall not be effected in the four cases last mentioned except on written order issued by a competent authority.

When the domicile to be entered is not that of the criminal pursued, the authority or his agents will previously ask the permission of the tenant.

The entering of a domicile in the cases in which a written order by a competent authority is required shall not be made between the hours of seven at night and six in the morning without the consent of the head of the household.

ART. 124. The right to assemble peacefully, without previous permission and without arms, is guaranteed.

ART. 125. The right to assemble in the open air and that of demonstration will be regulated by police laws.

ART. 126. All persons have the right to form unions or associations, whatever may be the purpose that they pursue, provided that it is not an association declared illegal by the law, but it is incumbent on the State to authorize corporative, moral, cultural, or economic organizations.

ART. 127. All persons have the right to present written petitions or claims to the public agencies and to the authorities, and to have them decided and to be informed of the result.

This right may be exercised individually or collectively.

ART. 128. No one may be molested or persecuted for his opinions, but he will be subject to the sanction of the law if the opinions are contrary to public order, to the fundamental institutions of the State, to the republican and democratic form of Government, to the established social order, to morals and good habits, or if they may cause injury to a third party.

ART. 129. The State guarantees liberty of the press and of speech. All have the right of freely expressing their ideas and opinions, orally, by writing, by printing, by cartoons, or by any other medium of diffusion, without prejudice to answering for offenses and abuses committed in the exercise of this right, in the form and cases determined by the law; this responsibility concerns the author and editor or printer of the punishable publication or distribution thereof, to the extent of adequate satisfaction by indemnification to the person injured.

ART. 130. Previous censorship may not exist, but the law may establish exceptions to this principle in respect to cinematographic films, public theatrical presentations, or spectacles, in the protective interest of childhood, of youth, and of good habits. The law may also enact measures against immoral and pornographic literature and against war propaganda and violent means of subverting the political and social order.

ART. 131. The secrecy of epistolary, telegraphic, telephonic, or of any other kind of correspondence, as well as of private documents and papers, is inviolable. They may never be opened, examined, or intercepted except in conformity with the laws enacted for reasons of general interest, and by a previous order from a competent authority. Every examination of this material must be made in the presence of the recipient or possessor of the same, or, in his absence, before two witnesses, returning the correspondence, documents, or papers that have no relation to the matter under investigation.

ART. 132. Any correspondence, documents, and papers removed from post-offices, or from any other place, in contravention of the law, will have no legal effect in court proceedings or out of court.

ART. 133. The State guarantees the liberty of higher education.

ART. 134. The sciences, letters, and arts, as well as their instruction, are free when they are not contrary to good habits and public order.

ART. 135. Liberty of conscience, the expression of all beliefs, and the practice of all religions that do not oppose morality, good habits, and the public order, are guaranteed. Practices of religion incompatible with the life and physical integrity of the human being are forbidden.

Acts contrary to morality or subversive to the public order, that are performed on the occasion or pretext of the exercise of a religion, are subject to the common law.

ART. 136. No one may be compelled to declare officially his religious beliefs unless it is for a statistical questionnaire ordered by the law.

ART. 137. The enumeration of rights, duties, and guarantees made by the Constitution does not exclude others that are inherent in the human personality or that are derived from the republican form of Government.

TITLE V

Concerning the Legislative Power

CHAPTER I

Concerning Its Organization and Powers

ART. 138. The legislative power is exercised by a Congress composed of two Chambers, the Chamber of Deputies and the Chamber of Senators.

ART. 139. The Congress will meet regularly in its own right on April 15th of each year, in the capital of the Republic, and will hold regular sessions for sixty days. The period of regular sessions may be extended for thirty days more by resolution of the Congress, enacted *motu proprio*, or at the request of the Executive.

ART. 140. The Congress will meet in extraordinary sessions by a call of the President of the Republic, on the date indicated by him. Such sessions may occupy themselves only with the business submitted by the Executive for their consideration and will adjourn on the day indicated by the Executive himself.

ART. 141. If, for any reason, the Congress is not able to meet on the date indicated, it will do so as soon as it may be possible within the year.

ART. 142. The Chambers will open and close their sessions publicly and simultaneously. Neither of them, while they are meeting, may suspend its sessions for more than three days without the consent of the other.

ART. 143. The President of the Republic, in person or through the agency

of the Minister of Government, will be present at the opening of the regular sessions of the Congress and will present to it a message on the actions of his administration.

This ceremony is not essential in order that the Congress legitimately exercise its functions.

ART. 144. The ordinary legal quorum of each one of the Chambers in order to hold a session will be composed of an absolute majority of the total of its members.

With respect to a joint session of the Congress, an ordinary legal quorum will consist of the representatives of each Chamber constituting an absolute majority of all the membership.

ART. 145. The two Chambers will follow a preparatory procedure during a period of five days before the date fixed for the first session, in accordance with the formalities determined by their respective regulations.

ART. 146. If the Congress does not open on the date fixed, because of a lack of a quorum in either one or both of the Chambers, the representatives present in a preliminary meeting will compel the attendance of the absent members under the penalties that the respective regulations establish; and they will open the sessions when the required number is present.

ART. 147. In the case of the temporary or permanent absence of a member of the Congress, the respective substitute will replace him.

ART. 148. Each Chamber will enact its own by-laws. The following matters shall be determined in them:

- 1st. Closure of debate.
- 2nd. The order of the day, announced at least twenty-four hours in advance.
- 3rd. Two debates, with a minimum interval of ten days, in order to amend the by-laws.
- 4th. The establishment and preservation of the archives.

ART. 149. When there exist grave reasons to prevent the meeting of the Congress in the capital, it may meet in another city or place in the Republic and decree its transfer by two-thirds of the votes of each Chamber.

ART. 150. Every meeting of the members of the Congress for the purpose of exercising the legislative power that shall be held in disregard of constitutional requirements shall be illegal. The acts that it passes will be void, and the representatives taking part in the deliberations will have committed an offense.

ART. 151. The following are prohibited to the Congress and to each one of its Chambers:

- 1st. To interfere by means of resolutions or laws in affairs that are within the exclusive competence of the other organs.
- 2nd. To pass votes of approval or censure.
- 3rd. To pass acts of proscription or persecution against specified persons or corporations.

ART. 152. The following may not be elected members of the Legislature:

1st. Those exercising an office or commission in the executive branch, within two months previous to the elections.

2nd. Officials of the judicial branch.

3rd. Relatives of the President of the Republic within the second degree of consanguinity or affinity.

4th. Those who administer or have administered or collected public funds and whose accounts have not been proved solvent.

5th. Those who are suspended from the rights of citizenship in accordance with Article 31.

ART. 153. Each Chamber, by the vote of three-fourths of its members, accepts a resignation or withdrawal for cause that may be presented by any of its members and may remove any of them because of physical or moral incapacity occurring after becoming members. When a representative is disqualified because of physical incapacity he will continue to enjoy his immunities, honors, and salary during the term for which he was elected.

ART. 154. The Deputies and Senators from the time of their election will enjoy the following prerogatives:

1st. Personal immunity from indictment or trial for official or common offenses except in accordance with Articles 172, 177, and 178.

2nd. Not to be called for military service without their consent except in case of international war.

3rd. Not to have civil action taken against them from thirty days before regular sessions of the Congress or from the decree of a call for extraordinary sessions, until fifteen days after one or the other. If the judicial proceedings are already pending, the above periods will not be in force during the sessions.

4th. Not to be expelled from the Republic, imprisoned, or deprived of freedom for any reason whatsoever, not even during the suspension of the constitutional guarantees referred to in Article 221, except when, in accordance with Articles 172, 177, and 178, they are removed from office, or a declaration that there is sufficient evidence to put them on trial is made.

5th. Inviolability for votes and opinions delivered in the exercise of their office.

ART. 155. Deputies and Senators will be compensated for their services by a monthly stipend that cannot be denied or withheld.

ART. 156. No armed forces may enter either one of the Chambers unless they are called by its executive committee. In case forces of the national guard or of the police are used, they will be under the orders of the president of the Chamber.

ART. 157. Deputies and Senators represent the entire Nation. They are not bound by any mandate whatever and they must act only in consideration of justice and the common welfare.

ART. 158. The sessions of the Chambers will be public, under the limitations that their rules and regulations impose.

ART. 159. No Deputy or Senator, from the moment of his election, may be appointed to discharge a public office paid by national or municipal funds.

This provision will not be in force in case of foreign war, nor does it apply to the offices of President of the Republic and Secretaries of State. A Deputy or Senator appointed to any of these posts will be suspended in his functions as representative during the discharge of the other office.

Exceptions to the incompatibility expressed in this article are the positions of teacher, members of boards of directors of schools of higher learning, committees for codifying or amending the laws, diplomatic or consular offices, Nicaraguan delegations to international or scientific congresses and conferences, and the positions of arbitrator, attorney, or counselor in tribunals of international arbitration.

ART. 160. A Deputy or Senator who absents himself from the country for more than one year without the permission of the Chamber to which he belongs will be dismissed from his office.

ART. 161. Deputies and Senators may not personally, or through another party, enter into any contract with the Government or act against the State as attorney or agent. Those holding power of attorney from private individuals or from native or foreign companies will have neither a voice nor a vote in the debates concerning the interests that they represent.

ART. 162. The following pertain to each of the Chambers without interference from the other:

1st. To regulate the order of its sessions and all matters concerning its internal government.

2nd. To create and provide for the positions necessary for carrying on its business.

3rd. To force its members to attend.

4th. To order the filling by election of vacancies produced by the absence of regular members and their respective substitutes, except in cases when they occur within the last six months of the term.

5th. To inquire of the Executive about the state of the income and expenditures of all or any of the accounts, and a report on any branch of the administration.

6th. To invite the other Chamber to hold a joint session.

7th. To appoint committees to represent it in official acts.

ART. 163. The following powers belong to the Legislature through the medium of the Chambers acting separately:

1st. To enact, interpret, amend, and repeal the laws.

2nd. To create and abolish offices and to grant honors.

3rd. To provide all that is conducive to the independence and security of the Republic.

4th. To fix the salaries of public employees.

5th. To change the seat of the national supreme agencies, in case of extraor-

dinary circumstances brought about by grave reasons of public convenience.

6th. To declare, by a majority of two-thirds of the votes of the total number of its members, a state of economic emergency, fixing its duration, when the abnormal conditions of the country demand it.

The declaration of a state of economic emergency will suspend, when it so states, some or all of the constitutional guarantees designated in Articles 43 and 62, exclusively for the purposes of general improvement and of justice.

The laws enacted by the Legislature by means of this declaration, or, during the recess of the same, by the Executive, may not be continued in detriment to the indicated constitutional guarantees for a period longer than that fixed by the Congress.

The emergency decree-laws issued by the Executive will be approved by the Council of Ministers and submitted to the Legislature within the first fifteen days of its next regular session.

7th. To approve or disapprove the conduct of the Executive.

8th. To grant authorization to the Executive to make contracts, negotiate loans, and exercise other functions within the constitutional orbit.

9th. To approve or reject treaties concluded with foreign Nations. The treaties referred to in Article 4 require for their approval two-thirds of the votes of the members of each one of the Chambers.

10th. To regulate maritime and land commerce.

11th. To approve or disapprove the accounts of public expenditures and of the treasury.

12th. To establish the national revenues and fix the expenses of the administration. The general budget covering both of these will be voted in each legislative term.

13th. To specify the functions of the employees of the Republic and to limit the territorial jurisdiction in which they may be exercised, and, in general, to regulate the public service.

14th. To levy taxes.

15th. To recognize the national debt and regulate its service.

16th. To fix the weight, fineness, value, type, and denomination of the national currency and the system of weights and measures.

17th. To declare war or authorize the Executive to do so.

18th. To authorize the departure of national troops from Nicaraguan territory. In case of war, the Executive will have that power.

19th. To approve or disapprove contracts negotiated by the Executive with private individuals or companies respecting loans, colonization, navigation, and other works of general utility, provided that, the Constitution permitting it, the contracts involve temporary privileges or endanger or dispose of the property of the Nation, or involve the payment of moneys not voted in the budget.

20th. To grant or refuse permission to Nicaraguans to accept offices from foreign countries when they are to be exercised in Nicaragua. This permission will not be necessary when it deals with countries of Central America.

21st. To authorize the founding of banks of issue and the establishment of gratuity funds for widows and orphans.

22nd. To grant permission to the President of the Republic to leave the country in the exercise of his functions for a period that does not exceed three months.

23rd. To decree the coat-of-arms, the flag of the Republic, and the national anthem.

24th. To approve or disapprove the decree-laws issued by the Executive.

25th. To legalize the extraordinary or supplementary credits agreed upon by the President of the Republic in Council of Ministers.

26th. To grant amnesties and pardons for political offenses. In no case shall this mean that the pardons release the recipients from their civil responsibilities in relation to private individuals.

27th. To grant a commutation of the penalty of death to that immediately below it.

ART. 164. The following powers shall also belong to the Congress on the basis of the Chambers acting separately and on the initiative of the Executive.

1st. To decree gratuities, indemnifications or pensions, prizes, and compensations.

2nd. To decree prizes and grant temporary privileges to authors or the inventors of objects of public utility, and to those who have introduced new industries or improved existing ones.

3rd. To grant subsidies or premiums for works of public utility tending toward the establishment of new industries or the promotion of agriculture.

4th. To authorize the alienation or lease of national property and its application to public uses, or to authorize the Executive to do the same, in the manner most profitable. The public revenues and the tax moneys may not be alienated.

5th. To order loans.

6th. To open ports or close them, to create, transfer, or abolish customs houses, or to enact rules according to which the Executive may do the same.

7th. To confer the rank of general of division.

8th. To grant pardons, reductions, or commutations of penalties for common offenses, upon the previous report of the Supreme Court of Justice.

ART. 165. The powers of the Legislature may not be delegated except those of legislating in the fields of development, police, hygiene, war, charity, public instruction, and the treasury, all of which may be delegated to the Executive so that he may exercise them during the recess of the Congress. The delegated power of legislating in treasury matters may not include that of levying taxes or the modification of any items of the general budget of expenses.

The Legislature may also delegate the power of receiving the constitutional oath from the officials it elects or declares elected.

CHAPTER II

Concerning the Chamber of Deputies

ART. 166. The Chamber of Deputies is composed of representatives elected by direct popular vote, in conformity with the electoral law.

ART. 167. The Departments or electoral districts established by the law will elect a regular Deputy and a substitute for each 30,000 inhabitants; but if, on this basis, a Department or electoral district should have an excess of population greater than 15,000 inhabitants, it will have the right to elect an additional Deputy.

ART. 168. There will always be a Deputy for each Department or electoral district even though it has a population less than 30,000 inhabitants.

ART. 169. The general census of the Republic, which shall be taken every ten years, will serve as a basis for fixing the number of Deputies.

ART. 170. In order to be elected Deputy it is necessary to be a citizen in the exercise of his rights, of secular status, and more than twenty-five years of age.

ART. 171. Deputies will continue in the exercise of their functions for six years.

ART. 172. It is the exclusive power of the Chamber of Deputies to examine the accusations that its own members may present, as well as those of the Attorney General or private individuals, against the President of the Republic, Deputies, Senators, magistrates of the courts of justice, the Attorney General, Secretaries and Subsecretaries of State, diplomatic agents, and the president of the tribunal of accounts; and if there are sufficient grounds, to institute proceedings against them before the Chamber of the Senate.

In order for the Chamber of Deputies to decide to make an accusation against the President of the Republic, the affirmative vote of at least two-thirds of its members will be necessary.

The charges referring to the official conduct of the above-mentioned officials may be presented to the Chamber only during the exercise of their respective public offices and the year following.

CHAPTER III

Concerning the Chamber of the Senate

ART. 173. The Chamber of the Senate is composed of fifteen Senators elected directly by the people in one single electoral district, and the ex-Presidents of the Republic who have exercised the presidency through direct popular election.

A substitute will be chosen by popular election for each one of the fifteen regular Senators.

ART. 174. In order to be elected Senator it is necessary to be a citizen in the exercise of his rights, of secular status, and more than forty years of age.

ART. 175. Popularly elected Senators will continue in the exercise of their offices for six years and the ex-Presidents shall be Senators for life.

ART. 176. The incompatibilities indicated in Article 159 will not apply to the Senators for life. The discharge of any public office of those declared incompatible will suspend the exercise of the functions of the Senators for life only during the time when they are exercising the other office.

ART. 177. It is the exclusive power of the Chamber of the Senate to take cognizance of the charges presented by the Chamber of Deputies against the high officials referred to in Article 172, and then to hear the accused. If the latter should not appear, the Chamber will proceed without his defense.

ART. 178. The following rules will be observed when the Chamber of the Senate tries the high officials accused by the Chamber of Deputies.

1st. If the charges refer to offenses committed in the exercise of an office or to unworthy acts of bad conduct, and the Chamber accepts them, it will impose the penalty of removal from office and the inability to hold public office for the period specified by law, without prejudice to the institution of criminal proceedings against the offender before the Supreme Court of Justice, if the facts show that he is responsible for a violation calling for further penalty.

2nd. If the charges concern common offenses, the Chamber of the Senate will limit itself to declaring whether there is ground for instituting proceedings and, in case of the affirmative, it will place the accused at the disposal of the Supreme Court of Justice. If the public official has been acquitted he may return to the discharge of his functions.

CHAPTER IV

Concerning Joint Sessions of the Congress

ART. 179. Joint sessions of the Congress will be presided over by the presidents of the Chambers in alternate order.

ART. 180. The duties of the Congress in joint sessions are:

1st To arrange the order of its sessions and all matters pertaining to its internal government.

2nd. To be the final judge and to declare the election of the President of the Republic.

3rd. To elect each year the Designates to substitute for the President of the Republic in case of permanent absence.

4th. To elect the Magistrates of the Supreme Court of Justice and of the courts of appeals.

5th. To pass on the resignation of the President of the Republic and of the magistrates of the courts of justice.

6th. To receive the constitutional oath from the officials it elects or declares elected.

7th. To declare which office is to be assumed in case a single individual wins various elections at the same time, in the following order of preference:

I. President of the Republic.

II. Deputy.

III. Senator.

8th. To recognize the veto of the Executive.

CHAPTER V

Concerning the Enactment of the Laws

ART. 181. The Deputies and the Executive have the right of initiative in the enactment of laws and legislative resolutions; and the Supreme Court of Justice in regard to judicial matters.

ART. 182. No legislative act may become a law without the following requisites:

1st. To have been approved in conformity with Articles 183, 184, and 185, during two debates of each Chamber held on separate days. The approval must be granted by an absolute majority of votes, unless stated otherwise by legal exceptions.

2nd. To have obtained the sanction of the Executive.

ART. 183. Once a bill has been approved by the Chamber of Deputies, it will immediately pass to the Senate for its discussion. If the Chamber of the Senate approves it, it will pass to the Executive; and if he disapproves it, it will be considered rejected.

ART. 184. A bill that has been extended or amended by the Chamber of the Senate will be returned to the Chamber of Deputies in order that it may take cognizance of the additions or amendments, and if they are approved, the bill will be returned to the Senate so that it can be sent to the Executive.

ART. 185. If the additions or amendments are not approved by the Chamber of Deputies, it will return the bill to the Senate. If the latter, by a majority of two-thirds of the votes, insists on keeping them, the bill will be considered rejected. If the additions or amendments do not obtain that majority, the bill will be returned to the Chamber of Deputies. If the latter confirms the original bill by two-thirds of the votes, it will be considered approved; lacking such a majority, it shall be considered rejected.

ART. 186. Whenever one Chamber desires to express its judgment to the other concerning any legislative business, it may appoint a committee to take part in the discussions, without a vote, in the proper session, in accordance with the order of the day.

ART. 187. In case of a difference of judgment between the two Chambers, mixed committees composed of three Deputies and two Senators, nominated by the respective Chambers, may be appointed in order to propose the form and manner of resolving the difference.

ART. 188. Engrossed bills that the Congress sends to the Executive will use the following formula: "The Chamber of Deputies and the Senate of the Republic of Nicaragua decree, resolve, or declare:" (followed by the decree, resolution, or declaration. "Given in the Hall of Sessions of the Congress" (when it may be in joint session) place and date. (Followed by the signatures of the president and secretaries of the Congress.) When it may be by separate Chambers: "Given in the Hall of Sessions of the Chamber of Deputies," place and date. (Followed by the signatures of the president and secretaries of the Chamber of Deputies.) "To the Executive ——— Chamber of the Senate," place and date. (Followed by the signatures of the president and secretaries of the Chamber of the Senate.)

ART. 189. All engrossed bills will be sent to the Executive through the Chamber of the Senate.

ART. 190. Every bill, once approved, will pass to the Executive within three days after having been voted, so that he may give it his sanction and publish it within ten days after receiving it.

The resolutions or declarations of the Congress in joint session or in separate Chambers will go to the Executive within the same period to be published immediately.

ART. 191. If the President of the Republic, in agreement with the Council of Ministers, should consider it undesirable to approve a bill, he may return it to the Congress, through the Chamber of the Senate, within ten days after receiving it, stating the reasons on which he based his veto. If, within the stated period, he does not veto the bill, it will be considered sanctioned and must be published as law.

ART. 192. When the Chamber of the Senate receives a vetoed bill it will immediately propose a joint session of the Congress to consider the veto. If the Congress ratifies the bill by two-thirds of the votes, it will return it again to the Executive with this formula: "Ratified constitutionally"; and the Executive must publish it without delay.

ART. 193. If the President of the Republic does not promulgate a law or any other act of the Congress within ten days, the president of the Congress will promulgate it and cause it to be published in any periodical of the capital.

ART. 194. Bills for codes concerning any matter whatever may be approved jointly after having been revised and recommended by a special committee composed of five members of each Chamber.

ART. 195. When the Executive receives an engrossed bill during the last ten days of the sessions of the Congress, or thereafter, the power of veto remains

reserved and can be exercised during the first ten days of the next regular session.

ART. 196. The President of the Republic may declare to the Congress the urgency of passage of a bill and the respective Chambers must pass on it within a period of ten days.

The declaration of urgency may be repeated during the course of the passage of a bill.

The Chambers may, in this case, eliminate the stage of second debate.

ART. 197. Only the bills pending at the close of the sessions and which have undergone a complete debate in one of the Chambers will be continued in the following session of the Congress.

ART. 198. Rejected bills may be reintroduced only in the next regular session of the following year.

ART. 199. The sanction of the Executive is not necessary in the following acts of the Congress:

1st. In the budget law.

2nd. In resolutions or declarations that refer to the conduct of the Executive.

3rd. In decrees, resolutions, or declarations issued by joint sessions.

4th. In resolutions of the Chambers in the cases of Articles 172 and 178.

5th. In regulations made by the Chambers for their internal rule.

6th. In provisions for opening or adjournment, for moving the residence to another place, and for suspending or extending sessions.

ART. 200. Provided a bill that does not come on the initiative of the Supreme Court of Justice has for its purpose the enactment, amendment, or repeal of provisions referring to judicial matters, it must not be debated without hearing the opinion of that tribunal, which will present such opinion during the current sessions or those of the following year, according to the extent, importance, or urgency of the bill. If such period has transpired, debate on the bill will take place without the opinion of the Supreme Tribunal.

TITLE VI

Concerning the Executive Power

CHAPTER I

Concerning the Organization of the Executive Power

ART. 201. The executive power is exercised by a citizen with the title of President of the Republic. He is the Chief of State and represents the Nation.

ART. 202. The President of the Republic will be elected by direct popular vote.

ART. 203. To be elected President of the Republic it is necessary:

1st. To have been born in Nicaragua, of Nicaraguan father or mother.

2nd. To be a citizen in the exercise of his rights, more than thirty years of age, of secular status; and

3rd. To have resided in Nicaragua during the five years immediately prior to the date of the election.

ART. 204. The presidential period is for six years and will begin on May 1st. The President of the Republic will take possession of his office on that date.

Re-election of the President for the following term is prohibited.

ART. 205. The following may not be elected President of the Republic:

1st. One who accidentally exercises the presidency of the Republic during any portion of the last six months of the term.

2nd. One who is related to the President of the Republic by consanguinity or affinity in the direct line or within the fourth degree inclusive in a collateral line, or a person who is related to anyone who may have exercised the presidency during any part of the six months prior to the elections.

3rd. Any military man who may be or may have been in active service during a part of the last year of the presidential term.

4th. One who may have exercised the office of magistrate of the courts of justice during any part of the year prior to the date of the election.

5th. One who exercises the office of Secretary of State during any part of the year prior to the election.

6th. A leader or the chiefs of a *coup d'état*, a revolution, or any armed movement whatever, or his relatives within the fourth degree of consanguinity or the second of affinity, for the term in which the constitutional regime has been interrupted and the following.

7th. One who may have been a Secretary of State or may have held a high military command in the *de facto* government that has altered the constitutional regime, or his relatives within the fourth degree of consanguinity or the second of affinity, for the period mentioned in the above clause.

ART. 206. When a serious illness, absence from the country in addition to the case mentioned in Clause 22 of Article 163, or any other reason temporarily prevents the President of the Republic from exercising his functions, he will be replaced during the incapacity by the Secretary of State whom the President designates, and, in the absence of such a designation, by the Secretary of Government.

ART. 207. In case of the permanent absence of the President of the Republic, the vacancy will be filled in the following manner:

The Congress will elect annually, from among its members, three Designates. The list of these, authorized by the respective directive board, will be sent to the President of the Republic so that he may indicate at the foot, under his signature and seal, the order of appointment of the Designates, and keep the list in his possession.

The Designate in exercise of the presidency will call the people for election

during the first ten days after he has taken possession of his office, if the vacancy occurred during the first two years of the term. The elections will be held thirty days later and before a lapse of ninety days after the date of the call. The citizen then elected will exercise the presidency until the end of the corresponding term.

ART. 208. When a Designate does not receive the presidency, the executive power will be exercised by the Secretary of Government, who will give possession immediately to the new official if the Congress is not in session.

ART. 209. The President may not leave the country during the exercise of his functions without the permission of the Congress, except to the other countries of Central America and Panama; nor after his term is concluded, if there are pending court proceedings against him for official offenses.

ART. 210. The President of the Republic will cease in the functions of his office on the day his term ends.

In case of the absence or incapacity of the successor, the president of the Congress will substitute for him.

If the absence or incapacity of the President-elect should be permanent or for an indefinite period, the president of the Congress, once in exercise of the presidency of the Republic, will immediately call for elections which shall be held within the term of sixty days, counting from the date of call.

ART. 211. The President-elect will take possession of the office before a solemn joint session of the Congress and will take an oath in these terms:

"I solemnly promise, on my honor, loyally to discharge the office of President of the Republic that the people have confided to me, to defend the integrity and independence of the Nation, and to enforce and cause the enforcement of the Constitution and laws of the Republic."

ART. 212. The President of the Republic must answer for his acts before the national Congress.

ART. 213. The salary of the President of the Republic during the presidential term will be fixed by the Congress prior to the election, and will not be lowered during his term.

CHAPTER II

Concerning the Duties and Powers of the Executive

ART. 214. The government and administration of the State and the supreme command of all the armed forces of the Nation are entrusted to the President of the Republic. His authority is extended to everything that has as its object the preservation of public order within the country and the external security of the Republic, in accordance with the Constitution and the laws.

ART. 215. Powers of the President of the Republic in relation to the Legislature are:

1st. To be present at the opening of the regular session of the Congress, and to present to it a message on the acts of his administration.

2nd. To call the Legislature in extraordinary session for reasons of public need.

3rd. To send to the Chamber of Deputies within the first fifteen days of the session a bill for the central budget of receipts and expenditures and an accounting of the budget and of the treasury.

4th. To present an annual report of each branch of the administration, through the respective Secretary, within one month after the opening of the Congress.

5th. To present to the Chambers, through the appropriate Secretary, any information they may request, except in case of matters requiring secrecy.

6th. To present, through the Secretaries of State, drafts for laws, and to submit treaties and contracts that require legislative approval.

7th. To veto legislative acts, or to sanction and publish them, in conformity with the Constitution.

8th. To publish within five days the legislative measures not requiring the sanction of the Executive.

9th. During the recess of the Legislature, to order vacancies of Senators and Deputies filled within a month of their occurrence, except when they occur during the last six months of the respective terms.

10th. To issue, during the recess of the Congress, decree-laws in using delegated legislative power, or in cases of public urgency and necessity. The decree-laws must be submitted, in the latter cases, to the Congress during the first fifteen days of the next regular session.

11th. To see to it that the Congress meets on the day indicated by the Constitution, enacting in due time the necessary provisions therefor.

12th. To propose pardons, reductions, or commutations of penalties for common offenses, after a report from the Supreme Court of Justice.

ART. 216. The formula to be used in the publication of the laws is as follows: "The President of the Republic to its inhabitants, be it known: That the Congress has ordered the following: (text and signatures). Therefore: Let it be executed."

When legislative acts that do not need the sanction of the Executive are involved, the formula to be used for their publication will be the following: "The President of the Republic to its inhabitants, be it known: That the Congress has ordered the following: (text and signatures). Therefore: Let it be published."

ART. 217. The powers of the President of the Republic in relation to the Judiciary are:

1st. To watch over the official conduct of the members of the Judiciary and, for that purpose, to require that the Supreme Court in its proceedings repress, in accordance with the law, any acts contrary to the proper functioning of the office; or that the Public Ministry ask for disciplinary measures by a com-

petent tribunal and, in such case, if there are sufficient grounds, to make the corresponding charges.

2nd. To give to the judicial officials the assistance and force that may be necessary to make effective their decisions and judgments.

3rd. To grant, during the recess of the Congress, amnesties and pardons for political offenses. In no case may the pardons include the civil responsibilities that the recipients have in relation to private parties.

This power may not be exercised with respect to the Secretaries of State.

4th. To suspend, if he sees fit, the execution of the death penalty when the offender or his representative so solicits and presents the petition to the Congress for commutation of the penalty.

5th. To watch over the complete discharge of the budget of the Judiciary and to provide whatever is necessary for the honest conduct of the offices and business of the tribunals and judicial dependencies, including the public registers.

ART. 218. The powers of the President of the Republic in relation to the armed forces are:

1st. To command the military and police forces of all kinds, and to organize, distribute, and arrange them in conformity with the law and according to the needs of the Republic.

2nd. To direct war operations as the commander-in-chief.

3rd. To raise the necessary forces for repelling invasions or putting down rebellions.

4th. To release and disband superfluous troops once an emergency has been concluded.

5th. To grant, in conformity with the law, pensions to soldiers who may have been disabled in active service and to the families of those who died in the same service.

6th. To grant discharges to soldiers.

7th. To grant honors and rewards to soldiers distinguishing themselves in the service.

8th. To confer military ranks in time of peace up to that of general of brigade inclusive, and, in campaign, to that of general of division, giving an account of them to the Congress.

9th. To take the initiative in time of peace in conferring the rank of general of division upon any soldier who in his judgment merits it.

ART. 219. The powers of the President of the Republic as the supreme administrative authority are:

1st. To defend the independence and honor of the Nation and the integrity of its territory.

2nd. To enforce and execute and cause to be enforced the Constitution and the laws.

3rd. To issue regulations for the laws, without transgressing or emasculating them, and, under the same restrictions, to enact decrees, decisions, and instructions.

4th. To appoint and remove freely Secretaries and Subsecretaries of State and the other employees of the executive branch.

5th. To appoint the persons to discharge any national office, the appointment to which does not belong, in accordance with the Constitution and the laws, to other officials or bodies.

6th. To direct foreign relations and to appoint the diplomatic agents and consuls of the Republic.

To receive the diplomatic agents and admit the consuls of other Nations.

To conclude treaties and any other diplomatic negotiations, and to ratify them with the previous approval of the Legislature.

7th. To declare war with the authorization of the Congress, or to do so without waiting for said authorization when the repelling of foreign aggression is urgent.

8th. To make treaties of peace, giving an account to the Congress in its next session.

9th. To permit or refuse the passage of foreign troops through the territory of the Republic, giving an account of it to the Congress.

10th. To enforce the collection of the revenues of the State and their expenditure in accordance with the law.

11th. To grant letters of naturalization.

12th. To exercise proper inspection over banks and other credit establishments, in conformity with the law.

13th. To direct, regulate, and inspect public instruction and physical education, to diffuse popular education, and to combat illiteracy.

14th. To watch over the national currency.

15th. To fix the standard of weights and measures.

16th. To exercise supreme direction over the police, hygiene, and public health.

17th. To conclude administrative contracts for rendering public services and executing public works in accordance with fiscal laws and those providing for transactions with private individuals or companies, for purposes of general interest.

Contracts concerning loans, colonization, and navigation, or those that imply temporary privileges or involve or dispose of property of the Nation or of sums not voted in the budget, must, to be valid, be approved by the Congress.

18th. To grant patents to guarantee literary property and useful inventions or discoveries, in accordance with the law.

19th. To designate, during the recess of the Congress, a place for temporarily transferring the organs of the State, when a grave reason so demands.

20th. To rehabilitate, in conformity with the law, citizens who may be suspended from the exercise of their rights.

21st. To open and close ports and establish maritime and internal customs houses, during the recess of the Congress.

22nd. To nationalize and register ships.

23rd. To enact regulations for the exercise of his powers.

24th. To issue proper measures for organizing and maintaining a statistical service.

25th. To exercise the right of inspection and supervision over institutions of common utility so that their properties and income are conserved and properly used and that they essentially comply with the wishes of the founders.

26th. To grant to the citizens distinguishing themselves by personal merit or by civic or military acts of value internationally, the rewards, orders, decorations, medals, or diplomas established by law.

27th. To promote immigration, in accordance with the law.

28th. To grant leaves of absence and pensions, in conformity with the law.

29th. To promote and protect labor, agriculture, industry, and commerce.

30th. To exercise the other functions of government and administration that the Constitution and the laws entrust to him.

ART. 220. When, in the judgment of the President of the Republic, public tranquillity is menaced, he may order the detention of persons he thinks responsible, question them, and detain them up to fifteen days, within which time he must either place them before a competent judge or release them; but if, in the judgment of the Chief of State, it is necessary to see that the above-mentioned parties are kept within the Republic, he may, in Council of Ministers, order their confinement.

Those detained will not be held in places that are barracks, or in jails intended for the detention or imprisonment of common offenders.

ART. 221. When the Republic finds itself involved in an international war or in an internal civil war, or there exists the danger that one or the other may occur, or in case of epidemic, earthquake, or any other public calamity, or when for any other reason the defense, peace, and security of the Nation or of its institutions or forms of government may require it, the President of the Republic, in Council of Ministers, may, by decree, restrict or suspend, in all or a part of the national territory, the exercise of the constitutional guarantees, with the exception in all cases of those relating to:

1st. The inviolability of human life.

2nd. The prohibition against being tried by judges not recognized by the law.

3rd. The prohibition against inflicting infamous penalties, including those of whipping and of any kind of torture whatever.

4th. The prohibition against retroactive or confiscatory laws; and

5th. The levying of taxes.

In respect to taxes, the President, in Council of Ministers, may, by decree, levy taxes of a general character if an international or civil war has already started.

Such decree will state:

1st. The reasons for justifying its issue.

2nd. The designation of the guarantee or guarantees restricted or suspended; and

3rd. The territory affected by the suspension or restriction.

This decree will be repealed when the reasons for its existence are removed, and the Executive must without delay give an account of his actions to the Congress.

The restriction of guarantees will in no way affect the functioning of the public organs of the Nation, and their members will always enjoy the prerogatives granted them by the law.

The President of the Republic and the Secretaries of State will be responsible when they declare a suspension or restriction of the constitutional order without the circumstances having occurred that will justify it; and they will be responsible, along with any other officials, for any abuse they may have committed in the exercise of the powers granted in this article.

In case of foreign war, the Executive, by the same decree in which the exercise of the constitutional guarantees is restricted or suspended, will call the Congress to meet within the following thirty days; and, in case he does not call it, the Congress may meet by its own right.

CHAPTER III

Concerning the Secretaries of State

ART. 222. There will be Secretaries of State to carry on the business belonging to the executive branch. The law will determine their number, their titles, and the departments of the administration belonging to each one.

ART. 223. The Secretaries of State have in their charge, under the authority of the President of the Republic, the direction and management of the public services assigned to the respective administrative departments, and must fulfill the following conditions: to be citizens in the exercise of their rights, to be natives of Nicaragua, to be more than twenty-five years of age, and not to have been convicted of any serious offense.

ART. 224. The decrees, amendments, and measures of the President of the Republic must be countersigned by the Secretaries of State of the respective branches.

ART. 225. Each Secretary of State will be personally responsible for the acts that he signs or authorizes, and, in conjunction with the others, when he subscribes or agrees to acts of the President of the Republic or of the other Secretaries of State.

ART. 226. The Secretaries of State must, within one month after the meeting of the Congress, give an account by means of printed reports of what they have done and what they consider necessary to be done in their departments. They will also present an account of the moneys handled by them.

ART. 227. The Secretaries of State will give to the Congress, by authorization of the President of the Republic, the information requested of them relative to the business of their departments. In giving this information, a secret session may be required when the subject involved is of such a nature as to make it necessary.

ART. 228. The Secretaries of State have the right to speak in the Chambers, and they are obliged to attend when they are summoned for information.

ART. 229. The Secretaries of State and the Attorney General of the Republic, in meetings presided over by the chief of the executive branch, form the Council of Ministers. Its organization and functions are determined by the Constitution and the laws.

ART. 230. The following may not be Secretaries of State:

- 1st. Contractors of public works and services.
- 2nd. Those who, as a result of those contracts, have claims of personal interest against the public treasury.
- 3rd. Those who have collected or administered public funds, without their accounts having been audited.
- 4th. Those in debt to the public treasury.
- 5th. Relatives of the President of the Republic within the second degree of consanguinity or affinity.

ART. 231. There will be the number of Subsecretaries of State that the law determines.

ART. 232. Subsecretaries of State must have the same qualifications as the Secretaries. They will collaborate in the respective branches as subordinates of the Secretaries of State and will substitute for them in case of their absence.

CHAPTER IV

Concerning the Public Ministry

ART. 233. The Public Ministry will be exercised by the Attorney General of the Republic and the other officials designated by the law.

ART. 234. The Attorney General of the Republic will enjoy independence of action and opinion in the exercise of his functions, and the immunities and prerogatives of the Secretaries of State. He will be appointed by the President of the Republic from among attorneys of irreproachable reputations who are more than thirty years of age, are Nicaraguans, and who have practiced the profession for more than five years. He will continue in the exercise of his functions during the entire respective presidential term, and he may be re-

moved only by the President of the Republic by virtue of a decision founded on proper motives.

ART. 235. The duties of the Attorney General of the Republic, directly or by means of his subordinates, include the representation and defense of the interests of the State and of society, the giving of legal advice to the Executive, the promotion of the execution of the laws, administrative measures, and judicial sentences resulting in the cases in which he intervened, and the supervision of the official conduct of the public employees.

ART. 236. The Attorney General of the Republic is responsible in the same manner as the Secretaries of State.

ART. 237. The law will regulate the functions of the Attorney General of the Republic, and will determine the term of office and the powers of the other officials of the Public Ministry.

TITLE VII

Concerning the Judicial Power

SOLE CHAPTER

Concerning Its Organization and Powers

ART. 238. Justice is administered in the name of the Republic by the Judiciary.

The members of this branch will be males.

ART. 239. The following are organs of the Judiciary:

1st. The Supreme Court of Justice.

2nd. The court of appeals.

3rd. The judges and other officials designated by the Constitution and the laws.

ART. 240. The Supreme Court of Justice will have its seat in the capital of the Republic.

ART. 241. There will be five courts of appeals, with their residence in the cities of León, Granada, Masaya, Bluefields, and Matagalpa, respectively.

The Congress may, on the initiative of the Supreme Court of Justice, by a majority of two-thirds of the total of its members, establish courts of appeals or suppress them.

ART. 242. There will be district courts in the chief cities of the Departments and local courts in the towns organized into municipalities.

District courts may, on the initiative of the Supreme Court of Justice, be legally established in cities that are not departmental capitals, and local courts in towns not organized as municipalities.

ART. 243. The law will establish the tribunals and judges of administrative litigation and will regulate their powers.

ART. 244. The Supreme Court will be composed of seven Magistrates: five regular Justices and two substitutes.

ART. 245. To be elected a Magistrate of the Supreme Court of Justice it is necessary: to be a citizen in the exercise of his rights, to be a native of Nicaragua, to be of secular status, to be an attorney by education and of irreproachable conduct, to be not less than forty or more than seventy years of age, and to have been a magistrate or to have exercised the profession of attorney creditably for more than ten years.

ART. 246. There will be three magistrates of each one of the courts of appeals, but the Congress may increase the number when the best functioning of the administration of justice requires it.

ART. 247. In order to be elected a magistrate of the courts of appeals it is necessary to be a citizen in the exercise of his rights, to be a native of Nicaragua, to be of secular status, to be a licensed attorney and of irreproachable conduct, to be not less than thirty or more than seventy years of age, and to have been a magistrate or a district judge for more than two years or to have exercised the profession of attorney creditably for more than five years.

ART. 248. The Magistrates of the Supreme Court of Justice and of the courts of appeals will be elected by the national Congress.

ART. 249. The district judges and local judges will be appointed by the Supreme Court of Justice.

ART. 250. The permanent district judges must be citizens in the exercise of their rights, attorneys of irreproachable conduct, more than twenty-five years of age, and must have been judges or secretaries of a court or must have exercised the profession of attorney for more than two years.

Local judges must be citizens in the exercise of their rights and must be law students where law schools exist; and in towns where they do not exist, they must have knowledge of the subject.

ART. 251. The term of the Magistrates of the Supreme Court of Justice will be for six years; of the magistrates of the courts of appeals, four years; of the district judges, two years; and of the local judges, one year.

All of these may be elected or appointed again for successive terms.

ART. 252. The magistrates of the courts of justice will enjoy the same immunities and prerogatives as the representatives to the Congress, except those enumerated in Clauses 3 and 5 of Article 154.

ART. 253. The reward of advancement, in each election or appointment of members of the Judiciary, will be for those who have distinguished themselves in the exercise of their functions.

ART. 254. Persons related by consanguinity within the fourth degree and by affinity within the second may not be magistrates or judges of the same tribunal. If two or more individuals related within these degrees should be elected, the one receiving the smaller number of votes will be replaced, and, in case of a tie, the attorney who most recently obtained his diploma.

ART. 255. The members of the Judiciary may not discharge any office by

election of the Congress, appointment by the Executive, or by any other administrative authority or body.

The public offices referred to in the final paragraph of Article 159 are exceptions to this provision.

The acceptance of an appointment prohibited by this article means the loss of the judicial office and of all the privileges inherent in the same.

ART. 256. The president of the Supreme Court of Justice will be the president of the Judiciary of the Republic.

He will be appointed annually by the Supreme Court.

ART. 257. Further powers of the Supreme Court, in addition to those already expressed, are:

1st. To adopt its own by-laws and to approve those of the courts of appeals.

2nd. To appoint and remove freely employees subordinate to it.

3rd. To exercise directive, correctional, and economic superintendence over all of the tribunals and courts of the Nation, in accordance with the law.

4th. To appoint public registrars, legal physicians, and the other officials or employees that the law designates.

5th. To give possession of office, on their own demand or on that of an agent, to all the officials and employees appointed by it.

6th. To accept the resignations of the officials and employees appointed by it.

7th. To grant annual leaves of absence with pay, up to one month, to magistrates, judges, public registrars, and legal physicians. The leave of absence may be extended, for sufficient reason, up to three months with pay.

The Supreme Court may also grant leaves of absence, without pay, for the period the law allows.

8th. To formulate annually in ample time the bill for the budget of the Judiciary.

9th. To conduct the examination of attorneys, notaries, and judicial prosecutors and to authorize them to practice their professions, in case of a favorable result; and to suspend and rehabilitate them in accordance with the law.

10th. To hear privately the cases of official and common offenses of high officials who enjoy immunity, when the Chamber of the Senate presents the charges against the defendant or declares that a basis exists for the institution of criminal proceedings.

11th. To take cognizance of writs of error, *amparo*, revision, and others that the law designates.

12th. To take cognizance of the appeals granted against the decisions of the tribunal of accounts, and to settle the conflicts between said tribunal and the other organs of the State.

13th. To take cognizance of cases relative to maritime navigation or that of navigable rivers that wash the territory of the Nation, in matters recognized by international law.

14th. To take cognizance of all litigations of diplomatic agents accredited to the Government of the Nation, in the cases provided for by international law.

15th. To take cognizance of the extradition of criminals demanded by other Nations and of the approval of foreign sentence.

16th. To take cognizance of the appeals advanced against measures taken by mayors, municipalities, or local administrative bodies in non-electoral questions when they may be contrary to the Constitution or the laws.

17th. To decide definitively, after hearing the Attorney General of the Republic, on the legal value of legislative acts that have been objected to by the Executive as unconstitutional.

18th. To take cognizance of a petition of unconstitutionality against a law that refers to matters not amenable to the action of the tribunals of justice, if it is presented by a person injured in his rights in any concrete case where such law is used.

19th. To attend the Congress, through the agency of its president or of another of the Magistrates, in order to take part in the discussion of the bills it presents having as their object the enactment, amendment, or repeal of the civil, penal, commercial, mining, and procedural codes, or any other bill referring to judicial matters.

20th. To give opinions or information in the cases determined by the Constitution and the laws.

21st. To exercise the other powers and functions that the law indicates.

ART. 258. The power of judging and executing judgments belongs exclusively to the tribunals of justice established by law.

ART. 259. Justice is administered freely in the entire territory of the Republic.

ART. 260. There will be no more than one appeal in any trial. The judge who has exercised jurisdiction in the first instance may not do so on appeal or in abrogation.

ART. 261. The tribunals and judges of the Republic will give preference as follows.

1st. To the Constitution and constitutional laws.

2nd. To laws and decree-laws.

3rd. To decrees and executive measures.

In no case will they recognize amendments made or decisions or provisions issued by official order.

ART. 262. The salaries of members of the Judiciary may not be suppressed or diminished in a way that will injure any of them, nor may the payments be delayed.

ART. 263. The members of the Judiciary will be pensioned in conformity with the law.

ART. 264. The sessions of the tribunals and courts are public, except in

special cases indicated by the law when publicity might be prejudicial to order and good habits.

ART. 265. The judges are independent in the exercise of their functions. They are not subject to any other power than that of the Constitution and the laws.

ART. 266. The organization, powers, jurisdiction, and competence of the tribunals of the Republic shall be fixed by law.

ART. 267. The magistrates of the courts of justice may not interfere in matters of partisan politics.

ART. 268. Judicial officials must have their residence in the places where they exercise their functions.

Violation of this provision will be penalized by the loss of the post by means of a decision to be requested by the Public Ministry.

TITLE VIII

Concerning the Public Treasury

CHAPTER I

Concerning National Property

ART. 269. The public treasure of the Nation is composed of:

1st. All its goods, chattels, and real estate.

2nd. All its active credits.

3rd. All imposts, taxes, assessments, and other public charges paid to the public treasury by the inhabitants of the Republic.

4th. All income, by any other title, that the State receives.

ART. 270. Lands, forests, waters, and, in general, all natural resources, belong to the State, except for rights acquired legally. The law will fix the conditions of their utilization by the State, or their transfer by concession, or by any other title, to private ownership.

ART. 271. Sub-soil wealth belongs to the State. A concession for its exploitation by private individuals can be issued only on the basis of participation in the profits. Building and decorative stone, pozzulanas, sands, slates, clays, limestones, and other materials generally used in construction, are excepted.

ART. 272. The property of the Republic is imprescriptible.

ART. 273. The administration of the property of the State belongs to the Ministry of Finance and Public Credit, except for legal provisions to the contrary, as well as the power of passing on and the deciding of matters concerning contracts or operations to which said property may be subject.

ART. 274. The Executive must be authorized by a law in order to dispose of the property of the State and to borrow money and receive loans on the credit of the Nation. Every operation that violates this ruling will be null and not binding on the State.

ART. 275. All contracts for the execution of public works will be open to public bidding. The law will regulate this matter.

ART. 276. The State guarantees the payment of the public debt contracted in conformity with the Constitution and the laws. The credits necessary for satisfying the payment of interest and principal will always be included in the statement of expenses in the budget and cannot be the object of debate as long as they are strictly adjusted to the laws that authorize the issues.

ART. 277. Loans may not be resorted to except in case of extraordinary necessities, amortization of another loan, consolidation of debts, or for productive purposes, or in relationship to the national defense.

The law will fix their terms and the purposes of their expenditure.

ART. 278. For the direct administration of the public revenues there shall be a general treasury for collection and payment, and the other offices that may be necessary.

The law will determine its organization and functions.

ART. 279. In order to exercise the office of Treasurer General it is necessary to be a citizen in the exercise of his rights, of known good conduct, and not to be a creditor or debtor of the public treasury or to have pending accounts with it.

His appointment belongs to the Executive.

CHAPTER II

Concerning the Budget

ART. 280. The Executive will formulate annually the general budget of income and expenses and will submit it to the Congress, through the medium of the Ministry of Finance, within the first fifteen days of its opening.

ART. 281. All revenues and expenses of the State will be allotted to their respective uses and incorporated in the budget.

ART. 282. There will be only a single budget for each fiscal year. In case of grave necessity the Congress may authorize a supplementary or extraordinary budget.

ART. 283. The product of loans may not be entered in the budget as income, except in the cases mentioned in Article 277.

ART. 284. The Congress, after studying the draft of the budget, may change only the variable expenditures; the initiative for increasing or changing the estimate of income belongs exclusively to the Executive.

ART. 285. No provision will be included in the budget that concerns other than economic matters or that does not refer exclusively to the interpretation and execution thereof.

ART. 286. The budget, once voted by the Congress, will enter into force without the necessity of sanction or promulgation by the Executive.

ART. 287. When the Congress does not vote a budget law, the bill of the Executive will be accepted as such.

ART. 288. The surplus obtained at the liquidation of a fiscal year will be entered in the budget of the following year as a credit.

ART. 289. When the fiscal year ends with a deficit, it will be entered in the budget of the following year as a debit.

ART. 290. All expenditures that may be made outside of the budget are illegal, and the official who orders the payment and the one who makes it will be jointly responsible for the amounts expended, without prejudice to the penalties that may be imposed in conformity with the law.

ART. 291. The Congress may not approve any new expenditure as a charge on the funds of the Nation without creating or indicating concretely, at the same time, the necessary resources to cover it. Any legislative measure contravening this article is without value.

ART. 292. When, during the recess of the Congress, a case of emergency occurs that, in the opinion of the Executive, requires an expenditure outside of the budget, an extraordinary or supplementary credit may be opened on the decision of the President of the Republic, in Council of Ministers.

The credit thus voted will be legalized by the Congress.

CHAPTER III

Concerning the Tribunal of Accounts

ART. 293. The tribunal of accounts is the organ of supervision of the administration of the national treasury. There shall be under its charge the supervision of the execution of the budget, and the function of comptroller in all matters relative to the public treasury, with power to supervise the management of the income and to examine and audit the accounts of the administrators of public funds, including those of the autonomous entities, of the national district, and of the town or local treasuries.

ART. 294. The tribunal of accounts will enjoy functional autonomy. Its members may not be removed without just cause and by virtue of proper procedure.

The president of the tribunal of accounts will have the same immunities and prerogatives as the Attorney General of the Republic.

ART. 295. Conflicts of the tribunal of accounts with other organs of the State will be submitted to the decision of the Supreme Court of Justice.

ART. 296. The organization, competence, and powers of the tribunal of accounts, as well as the appointment and term of office of its members and the requirements for the exercise of the office, will be determined by law.

CHAPTER IV

Concerning Autonomous Entities or Decentralized Services

ART. 297. The services that constitute the industrial and commercial branch of the State must be administered by autonomous councils or directories, when the law so provides, for greater efficiency of the said services and for the public good.

ART. 298. In order to create this class of autonomous entities, an absolute majority of votes of each legislative Chamber will be necessary. In order to suppress those existing, two-thirds of the votes of the total of members of each Chamber will be required.

ART. 299. The law for the creation or formation of the autonomous entities must be based on the following requirements:

1st. The autonomous councils or directories will be composed of at least three members, who shall be designated by the Executive, in Council of Ministers.

2nd. Private capital may be accepted in the formation and development of the business of the autonomous entities, provided that the Legislature specifies and regulates by law the control belonging in such cases to the respective stockholders in the council and directories.

3rd. The autonomous entities may not engage in any business outside of the sphere of their particular field specified by law, or dispose of their resources for purposes foreign to their normal activities.

4th. All of the autonomous administrations will periodically publish reports that clearly reflect their financial status.

5th. These councils or directories, when retiring, must render an account of their business to the Executive, who will approve or disapprove it, having first received the opinion of the tribunal of accounts.

6th. The members of the councils or directories of the autonomous entities may not be appointed to offices that are directly or indirectly related to the organization of which they form a part.

TITLE IX

SOLE CHAPTER

*Concerning the National District, Departmental and
Municipal Administration*

ART. 300. The government of the national district will be in charge of the President of the Republic, who will exercise its control through the organ or organs determined by law.

ART. 301. The political administration of each Department will be in charge of a political chief appointed by the President of the Republic.

In each Department there will be a director of police appointed by the President of the Republic.

The qualifications of said officials and their powers and duties will be determined by law.

ART. 302. The police will be under the direct control of the President of the Republic, and their budget will form a part of the general budget of expenditures.

ART. 303. The local administration of the cities, towns, and villages will be in charge of municipal bodies appointed by the Executive every two years.

ART. 304. In order to be a member of a municipal body it is necessary to be a citizen in exercise of his rights, to be able to read and write, and to have resided in his respective town for more than five years.

ART. 305. The municipal bodies of each of the chief cities of the Departments are composed of a mayor, a syndic, and an alderman. The syndic must be an attorney; the alderman will also hold the office of municipal treasurer. In the chief towns where no lawyer exists, a municipal syndic who has knowledge of the law may be appointed.

The number of members of the other municipal bodies, as well as the organization and powers of all of them in the Republic, will be determined by law.

ART. 306. The powers of the municipal bodies will be purely economic and administrative. They will be subject to correctional and economic supervision by the Executive.

ART. 307. The goods and revenues of the municipalities are the exclusive property of each of them and will enjoy the same guarantees as the properties and revenues of private persons. Their real property is imprescriptible.

ART. 308. The funds of each municipality will be exclusively applied to the services of the respective communal administration.

ART. 309. Municipal bodies will appoint their own subordinate employees.

ART. 310. Municipal measures having the character of local laws will be subject to the approval of the Executive.

ART. 311. It is prohibited to establish barriers or limitations to traffic between the municipalities, including the national district, as well as to enact, under any denomination whatever, intermunicipal imposts on transit or transport that may burden or disturb the free circulation of goods, persons, or vehicles.

ART. 312. Members of the municipal bodies must answer collectively or individually for the abuses that they commit.

TITLE X

SOLE CHAPTER

Concerning Public Officials

ART. 313. The denomination of public officials includes all the individuals exercising public offices created by law.

ART. 314. No one may exercise the public functions designated in the Constitution if he does not promise to comply with them in the form established by law.

ART. 315. All who manage public or municipal funds or those of autonomous entities must submit a sufficient previous guarantee in favor of the public treasury. The law will regulate this matter.

ART. 316. There will be no office in Nicaragua the functions of which are not determined by law or regulation.

ART. 317. Public officials are in the service of the community and not in that of any party or organization having private interests.

ART. 318. Concerted suspension of work by those in the public services or services based on collective interest will result in the dismissal of the violators, as well as the incurring of the other responsibilities that the law prescribes.

Employees of the autonomous entities and of private enterprises supplying services of public interest are also subject to this discipline.

ART. 319. Public officials are personally responsible for violation of the Constitution, for lack of administrative honesty, and for any other offense or failure in the exercise of their functions, all in conformity with the law.

ART. 320. Public officials are personally responsible for the damages they may cause through negligence, omission, or abuse in the exercise of their offices.

ART. 321. The creation of a civil service made up of officials who do not have a political character will be fostered.

ART. 322. Officials will have the right to an annual vacation with pay. Pregnant women will be given a three-months' leave of absence with full pay.

ART. 323. The law will determine the individual cases of incompatibility of functions; those of responsibility of officials and the manner of making them effective; the necessary qualifications and antecedents for the discharge of certain offices in those cases not provided by the Constitution, with a tendency for choice based on competitive test of knowledge or of diplomas; the conditions of advancement and pensioning; and the series or classes of civil or military services having a right to a pension from the public treasury.

ART. 324. The ministry of any religious cult is incompatible with the discharge of public office other than that of teaching or of public charity.

TITLE XI

SOLE CHAPTER

Concerning Electoral Justice

ART. 325. In order to attend to all electoral matters, there will be a special organization composed of a national council of elections resident in the capital of the Republic, departmental councils of elections in each departmental capital, and electoral boards, one for each electoral district.

ART. 326. The national council of elections will be composed of a president and two judges. The president will be appointed by the Supreme Court of Justice by an absolute majority of the votes of its members. The judges will be appointed by the President of the Republic from a list of six attorneys that each one of the principal two parties of the Nation will give to him. The President of the Republic will choose a judge from each list.

ART. 327. The legal capacity and rights of political parties and the definition of the principal parties will be subject to law.

ART. 328. The president and judges of the national council of elections will have the same qualifications and incompatibilities as the Magistrates of the Supreme Court of Justice.

ART. 329. The term of office of the national council of elections will be for six years.

ART. 330. The national council of elections is autonomous and permanent. Its president will represent it and it may communicate directly with the public organs.

ART. 331. The national council of elections will exercise supreme direction over all matters related to electoral acts and proceedings and will have the following powers:

1st. To exercise directive, correctional, and consultative superintendence over the other electoral bodies.

2nd. To enact all measures concerning the ordered holding of the elections.

3rd. To decide in the last instance all complaints and appeals arising out of electoral processes.

4th. To certify the election of the President of the Republic, without infringement of the powers that belong to the Congress in this matter.

5th. To certify definitively the election of the Senators, Deputies, and other public officials whose designation is by popular election, and to present them with the proper credentials.

6th. To pronounce definitive sentence in controversies of a political character that arise between parties or private individuals in connection with electoral matters.

7th. To appoint the employees of its office.

8th. To exercise the other powers that the electoral law confers.

ART. 332. When the national council of elections acts in the character of a tribunal, the presence of its president will be necessary; it will proceed as a jury in the hearing of the facts and will pass judgment in accordance with the law.

ART. 333. The offices of the president and judges of the national council of elections will be paid from the treasury in accordance with what is provided by the law of the budget.

ART. 334. The electoral law will regulate the functioning of the national council of elections, and the organization, powers, and functioning of the departmental councils of elections and the electoral boards.

TITLE XII

SOLE CHAPTER

Concerning the Army

ART. 335. The army, composed of the national guard and the police, is the sole armed force of the Republic, and is intended to guarantee the independence of the Nation, the integrity of its territory, internal peace, and the security of individual rights.

Any other armed bodies, by the very fact of their existence, will be under the authority of the army.

ART. 336. The army is a non-political institution. Its members in active service may not vote or exercise political activities of any kind.

ART. 337. The public forces are essentially obedient and may not deliberate. Consequently, no soldier or policeman in active service may express opinions, collectively or individually, on matters of the service, or in any way attack or censure the laws of the Republic. He may not present petitions except in matters relating to the good of the service and the group morality, and in accordance with military law.

ART. 338. Members of the army in active service may not fill popularly elected offices.

ART. 339. The army will be subject only to the orders of the President of the Republic or to those of his agents or of corresponding public organs.

ART. 340. The organization and discipline of the army will be controlled by laws on the matter and by the additional regulations issued by the President of the Republic.

ART. 341. Members of the army will have special courts for purely military offenses or misdeeds, and will be punished in conformity with the military penal code. If they commit common offenses or misdeeds they will remain under the jurisdiction of the ordinary laws and courts, under the control of which the offender will be placed, first being discharged from the service.

ART. 342. Military service is obligatory. The law will determine the form in which it will be rendered.

ART. 343. The State guarantees protection and pensions to the members of the army who may be disabled in military service or in defense of the country or of public order, as well as to the families of those who have lost their lives in the service.

TITLE XIII

SOLE CHAPTER

Concerning Constitutional Laws

ART. 344. Constitutional laws are: the law of *amparo* and martial law.

TITLE XIV

SOLE CHAPTER

Concerning the Supremacy of the Constitution and Its Amendment

ART. 345. The Constitution is the supreme law of the Republic. Laws, decrees, regulations, orders, provisions, or public pacts or treaties contrary to it or that in any way alter its prescriptions, will have no effect.

ART. 346. The organs of the State are forbidden, jointly or individually, to suspend the Constitution or to restrict the rights assigned in it, except in the cases provided for in the same.

The laws that regulate the exercise of constitutional guarantees and rights will be null should they curtail, restrict, or corrupt the same.

The official who violates this provision will be held civilly responsible for the damage caused.

ART. 347. The Constitution may be amended five years after its promulgation:

- 1st. By the initiative of the Executive arrived at in Council of Ministers.
- 2nd. By the initiative of at least ten Deputies.

ART. 348. Every amendment to the Constitution must be submitted to the following procedure:

1st. The project of amendment must be presented to the Chamber of Deputies. If it is approved completely or with amendments, it will then pass to the Chamber of the Senate.

2nd. If the Chamber of the Senate approves the proposal, it will return it to the Chamber of Deputies and the latter and the Senate will consider it a second time in the regular sessions of the following year.

3rd. If the Chamber of the Senate rejects it completely, the project will be considered withdrawn, in which case it may be proposed again only after two years, in regular session.

4th. If the Chamber of the Senate approves the proposal with amendments, it will be returned to the Chamber of Deputies to be considered again. If the

latter does not accept the changes, it will be considered rejected, and then may be proposed again only after two years, in regular sessions. If it does accept the changes, the two Chambers will consider it a second time in the regular sessions of the following year.

5th. If, in the regular sessions of the following year, both Chambers newly approve the proposed amendment, it will pass to the Executive so that he may sanction it, if he recommended it and it conforms with his recommendation; and, in other cases, in order that he may approve and sanction or disapprove it in Council of Ministers. Once sanctioned and approved, the amendment will be ordered published as a constitutional law of the Republic.

6th. If the Executive disapproves the proposed amendment, it will be returned to the Chamber of Deputies in order that it may be reconsidered, subject to the procedure indicated, in the following regular session after the next renewal of the legislative Chambers; but the proposed amendment must be rejected or approved without any changes.

In the decree for the call for regular elections for Deputies and Senators there will be included for the information of the people the proposed amendments and the objections of the Executive.

7th. The approval or disapproval of the amendments by the new Legislature will be final.

If this new Legislature allows two years to pass without ratifying the amendments they will be considered rejected.

In no case will the final disapproval of a constitutional amendment prevent its being proposed again after the next total renewal of the Congress.

ART. 349. Every project of amendment will be subjected to the ordinary procedure of the enactment of the laws, as far as it has not been modified by the present title, but its approval will require a majority of two-thirds of the votes of all of the members of each one of the Chambers.

ART. 350. The amendment of the provision that prohibits the re-election of the President of the Republic and those concerning the length of the presidential term or of that of the Deputies and Senators may not be passed except for application to the future, so that the amendment does not damage or favor the officials in service at the date of promulgation.

TITLE XV

SOLE CHAPTER

General Provisions

ART. 351. The present Constitution will be in force from its publication in the *Gaceta oficial* [*sic*] and will repeal the Constitution of 1911, ordered published on December 21st of that year.

The engrossed drafts of this Constitution will be signed in three copies by an absolute majority of the representatives and by the President of the Repub-

lic and the Secretaries of State. They will be kept as follows: one in the secretariat of the national Congress, another in the Ministry of Government, and the third in the Supreme Court of Justice; and each one of them will serve as an authentic text of the fundamental law of the Republic.

The President of the Republic will order it published in the *Diario oficial* [*sic*] as soon as the engrossed drafts are signed.

All public officials will take an oath faithfully to fulfill and enforce fulfillment of it.

ART. 352. Laws already in force in the Republic will continue being of obligatory application to the extent that they do not oppose the provisions of this Constitution, during such time as they are not amended or repealed.

TITLE XVI

SOLE CHAPTER

Transitory Provisions

[The transitory provisions, other than the portions printed below, are now obsolete.]

First:

In exercise of the full sovereignty belonging to the Constituent Assembly and in fulfillment of popular mandate conferred for the reorganization of the public organs of the State in accordance with Article 2 of the law of August 17th, 1938, the following rules are put into effect:

1st. The Constituent Assembly, by an absolute majority of its members, will elect the citizen who is to exercise the presidency of the Republic for the term that will be counted from March 30th of the current year [1939] until May 1st, 1947.

The provisions of Articles 202, 204, 205, and 338 of this Constitution will apply only to the presidential elections following the one made by this Constituent Assembly.

2nd. Once its special work has been accomplished, the Constituent Assembly will continue functioning in the form of the national Congress and will exercise the legislative power until April 15th, 1947.

For such purposes, it will be divided into two Chambers, in the following form:

I. The Chamber of the Senate will be composed of fifteen regular Senators, each elected by the Assembly from among representatives more than forty years of age, from each Department, eleven representatives to be chosen from the majority party and four from the minority party.

The Assembly will elect fifteen substitute Senators from among the substitute representatives.

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II. All of the representatives who have not been chosen Senators in accordance with what is prescribed above will compose the Chamber of Deputies.

III. The provisions of Articles 166, 167, 171, 173, and 175 of this Constitution will apply only to the elections of Senators and Deputies following those made by this Constituent Assembly.

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Given in the Hall of Sessions of the National Constituent Assembly, in Managua, national district, on the 22nd day of the month of March, 1939.

Panama

THE circumstances of Panama's separation from Colombia on November 3, 1903, made it inevitable that the United States would exercise considerable influence in the organization of the new state. Not only did the original constitution, dated February 13, 1904, imitate that of the United States at various points—it also provided, in Article 136, that if the United States should assume the treaty obligations of guaranteeing the independence and sovereignty of the isthmian state it should have the right of intervention “to re-establish public peace and constitutional order.” Important structural differences existed, however, between the new Panamanian government and that of the United States, chiefly in the omission by the former of a vice-presidency, the establishment of a unicameral legislature, and provision for a limited tenure for supreme court judges. Later amendments provided, among other things, for provincial election of governors.

The administration of Arnulfo Arias was responsible for the drafting of a new constitution, signed on December 15, 1940, and effective on January 2, 1941. Its structural features were in general similar to those of the constitution of 1904. One of the most unusual and controversial provisions was that of prohibiting Panamanian nationality to certain categories of Negroes whose native language was not Spanish.

Considerable political dissension in the years following 1940 was the prelude to the adoption of Panama's third constitution, dated March 1, 1946.

POLITICAL CONSTITUTION OF THE REPUBLIC OF PANAMA

We, the Deputies of the Panamanian people, united in National Constituent Assembly, invoking the protection of God, decree the following Political Constitution of the Republic of Panama:

TITLE I

The Panamanian State

ARTICLE 1. The Panamanian Nation is constituted in a unitary and independent State. Its system of Government is republican, democratic, and representative and its denomination is the Republic of Panama.

ART. 2. Public power emanates only from the people. The State exercises it in conformity with this Constitution which it establishes, by means of the legislative, executive, and judicial organs, which act in a limited fashion and separately but in harmonious collaboration.

ART. 3. The Republic of Panama is erected upon the continental and insular territory included between Colombia and Costa Rica, in accordance with the boundary treaties negotiated by Panama with those Republics.

The jurisdictional limits stipulated in the public treaties negotiated prior to this Constitution are recognized.

ART. 4. The Republic of Panama respects the standards of international law.

ART. 5. The territory of the Republic is divided into autonomous municipalities grouped in Provinces.

The law may create territories subject to special organization and may establish other divisions of territory for reasons of administrative convenience or of public service.

ART. 6. Symbols of the Nation are: the hymn, the flag, and the coat-of-arms adopted prior to the year 1941.

ART. 7. Spanish is the language of the Republic.

TITLE II

Nationality and Alienship

ART. 8. The status of Panamanian is held by birth, under the conditions that this Constitution establishes, and is acquired by naturalization.

ART. 9. Panamanians by birth are:

1st. The children of a Panamanian father or mother, born in the territory of the Republic.

2nd. Those born in the national territory of alien fathers and mothers, if, after having arrived at their majority age, they manifest in writing before the Executive that they adopt Panamanian nationality and renounce positively and irrevocably the nationality of their parents, and prove, furthermore, that they are incorporated spiritually and materially in the national life.

3rd. Those born of unknown parents in national territory not subject to jurisdictional limitations.

4th. Children of a Panamanian father or mother born outside of the territory of the Republic, provided that the latter may be domiciled in Panama and that at the time of exercising any of the rights that this Constitution or the law recognize exclusively for Panamanians by birth, they may have been domiciled in the Republic during the two years preceding; and

5th. Those who may have acquired that right in accordance with the Constitution of 1904 and the amendatory act of 1928.

ART. 10. Panamanians by naturalization are:

1st. Aliens with five consecutive years of residence in the territory of the Republic if, after having reached twenty-one years of age, they declare their wish to be naturalized Panamanians, expressly renounce their nationality of origin or any other, and prove that they know the Spanish language and the elementary ideas of Panamanian geography, history, and political organization.

2nd. Aliens with three consecutive years of residence in the territory of the Republic who may have children born in the latter of a Panamanian father or mother or a spouse of Panamanian nationality, provided that they make the declaration and present the proof dealt with in the preceding paragraph; and

3rd. Nationals, by birth, of Spain or of any independent American Nation, provided that they possess the same requisites that in the State of their origin are required of Panamanians in order to be naturalized.

ART. 11. Those who were naturalized at the entrance into force of this Constitution shall retain such status during the five years following, but they shall lose it if, by the expiration of this period, they have not proved that they know the Spanish language and elementary ideas of Panamanian geography, history, and political organization.

Naturalized Panamanians who, before the entrance into effect of this Constitution, had discharged any official position in the Republic or who had been, in accordance with the law, candidates for positions of popular election, shall remain exempt from this obligation. An equal exemption is established for those born in Spain or in any other independent American Nation.

ART. 12. It is the obligation of the State to perform by all adequate means a methodical and constant effort to incorporate, intellectually, morally, and politically, in our nationality all groups or individuals who, born in the territory of the Republic, are, nevertheless, not found to be bound to the same. It shall also be the obligation of the State to provide facilities for the spiritual

assimilation of those who propose to obtain Panamanian nationality by naturalization.

ART. 13. Colombians who took part in the movement of independence are Panamanians by the agency of the Constitution, without the need of a letter of naturalization.

ART. 14. An alien who wishes to obtain Panamanian nationality will make the petition in the case to the Executive, who will issue a provisional letter, valid for one year. If, this term being completed, he confirms his petition and there has not come to the knowledge of the Executive any fact that would give a motive for refusing it, he shall be granted the final letter.

A petition for a letter of naturalization may always be refused for reasons of morality, security, health, or physical or mental incapacity.

The law will determine the rights that those who obtain a provisional letter will enjoy.

A petition for nationality will be refused to those persons belonging to States or regions the constituents of which may not enter the Republic, in accordance with the law, for economic reasons or those of social necessity.

ART. 15. Panamanian nationality, once acquired, may be lost only by express or tacit renunciation.

There is express renunciation when a person manifests in writing to the Executive his wish to abandon Panamanian nationality.

There is tacit renunciation:

1st. When the status of a national of a foreign country is acquired.

2nd. When employment from another Government is accepted without the permission of the Executive, except in a case in which the employment may be to work in an undertaking in which the Republic has a conjoint interest with another Nation.

3rd. When a national enters the service of an enemy State.

Nationality may be recovered only by virtue of rehabilitation by the National Assembly.

ART. 16. Panamanian nationals, as well as aliens who are found in the territory of the Republic, are obliged to live subject to the Constitution and the laws and to respect and obey the authorities.

ART. 17. Naturalized aliens will not be obliged to take up arms against the country of their birth.

ART. 18. The capacity, recognition, and, in general, the organization of corporations and other juridical persons will be determined by Panamanian law.

TITLE III

Individual and Social Rights and Duties

CHAPTER I

Fundamental Guarantees

ART. 19. The authorities of the Republic are instituted in order to protect, in their life, honor, and property, nationals, wherever they may be found, and aliens who are under its jurisdiction; to assure the effectiveness of individual and social rights and duties, and to comply and cause compliance with the Constitution and the law.

ART. 20. Private individuals are responsible before the authorities only for violation of the Constitution or of the law. Public officials are responsible for that same reason and also for exceeding their functions or for omissions in the exercise of the latter.

ART. 21. All Panamanians and aliens are equal before the law.

There will be no personal privileges or exemptions or distinctions by reason of race, birth, social class, sex, religion, or political ideas, but the law may, for reasons of health, morality, public security, and national economy, subordinate aliens in general to special conditions or refuse the exercise of determined activities. The law or the authorities may, furthermore, as the case may be, take measures that affect exclusively the nationals of determined countries in case of war or in conformity with what is established by public treaties.

Political rights are reserved to nationals, except for what is provided in Article 192.

ART. 22. No one may be deprived of his liberty except by virtue of a written order by a competent authority, issued in accordance with the legal formalities and for a reason previously defined in the law. The executors of said order are obliged to give a copy of it to the interested party, provided he requests it.

A delinquent surprised *in flagrante delicto* may be apprehended by any person and must be delivered up immediately to the authorities.

No one may be detained more than twenty-four hours without being placed under the orders of a competent authority. Members of the police who may violate this precept have as a penalty the immediate loss of their office, without prejudice to the penalties that the law may establish for the purpose.

There is no imprisonment, detention, or arrest for purely civil debts or obligations.

ART. 23. The State may not be obliged to surrender its own nationals by any international extradition treaty.

Nor will extradition be granted for aliens who are pursued for political offenses.

ART. 24. Every individual detained apart from the cases and the form that this Constitution and the law may prescribe will be placed at liberty on his

petition or that of any other person. For this purpose the law will regulate the recourse of *habeas corpus* by means of a summary judicial proceeding and without consideration of the applicable penalty.

ART. 25. No one is obliged to testify in a criminal, correctional, or police matter against himself, his spouse, or his relatives within the fourth degree of consanguinity or the second of affinity.

ART. 26. The domicile is inviolable. No one may enter that of another without the consent of its proprietor unless on the written order of a competent authority or in order to succor the victims of crimes or disasters.

Labor, social welfare, and sanitation officials may, after previous announcement, perform domiciliary or inspection visits to working places for the purpose of seeing to the fulfillment of the social and public health laws.

ART. 27. Any person may travel freely through the national territory and change residence without other limitations than those imposed by travel, fiscal, health, and immigration laws and regulations.

ART. 28. Jails are places of security and regeneration. All severity that is not necessary for expressed purposes is prohibited in them.

ART. 29. Correspondence and other private documents are inviolable and may not be seized or examined except by provision of a competent authority and by means of legal formalities. In all cases discretion shall be observed about matters foreign to the object of the seizure or examination.

Inspection of papers shall always be performed in the presence of the interested party or of a member of his family or, in their absence, of two reputable neighbors of the same place.

ART. 30. There is no penalty of death, expatriation, or confiscation of property.

ART. 31. Only acts declared punishable by a law prior to their perpetration and exactly applicable to the act imputed will be punished.

ART. 32. No one will be judged except by a competent authority and in conformity with the legal procedure, nor more than once for the same reason.

ART. 33. The following may inflict punishment without previous trial and in the cases and within the precise terms of the law:

1st. Officials who exercise command and jurisdiction, who may impose fines or arrest on anyone who harms them or is disrespectful in the acts by which the functions of his office are discharged or by reason of the discharging of the same.

2nd. Chiefs of police, who may impose the penalty of arrest on their subordinates in order to restrain insubordination or mutiny; and

3rd. Ship captains, who, being outside of port, have the power to restrain insubordination or mutiny or to maintain order on board, and to detain provisionally any actual or presumed offender.

ART. 34. In case of a manifest violation of a legal or constitutional precept to the detriment of any person, a superior order does not excuse from responsi-

bility the agent who executes it. Individuals of the public force are excepted when they are in service, in which case the responsibility falls solely on the hierarchical superior who gives the order.

ART. 35. The profession of all religions is free, as well as the exercise of all faiths, without other limitation than respect for Christian morality and public order.

ART. 36. It is recognized that the Catholic religion is that of the majority of Panamanians. It will be taught in the public schools, but its learning and attendance at acts of religious worship will not be obligatory for pupils when their parents or guardians so request it. The law will provide the assistance that must be given to said religion for missions to the indigenous tribes and for other analogous purposes.

ART. 37. Religious associations have juridical capacity and order and administer their property within the limits indicated by the law, the same as other juridical persons.

ART. 38. Every person may freely express his thoughts, by word, in writing, or in any other medium, without subjection to previous censorship. But legal responsibilities exist when, by any of these mediums, an attack is made against the reputation or honor of persons or against social security or public order.

ART. 39. All inhabitants of the Republic have the right to assemble peacefully and without arms for lawful purposes. Manifestations or assemblies in open air are not subject to permission. Only a previous announcement to the local administrative authorities, twenty-four hours in advance, is required to effect them.

The authorities may take police measures to prevent or suppress abuses in the exercise of this right, when the form in which it is exercised causes or may cause disturbance in traffic, commotion in public order, or violation of the rights of third parties.

ART. 40. It is permitted to form companies, associations, or foundations that are not contrary to morality or the legal order, which may obtain their recognition as juridical persons.

ART. 41. Every person is free to exercise any profession or occupation. Their exercise remains subject to the regulations that the law establishes relative to capacity, morality, security, and public health.

No tax or assessment will be established for the exercise of the liberal professions, trades, and arts.

ART. 42. Every person has the right to present respectful petitions and complaints to public officials, for reasons of social or private interest, and to obtain a prompt answer.

An official to whom a petition, question, or complaint is presented must decide it within a period of thirty days.

The law will indicate the penalties that apply to violation of this precept.

ART. 43. Ministers of religious faiths may not exercise public office, civil or

military, with the exception of those that may be related to social welfare or public instruction.

ART. 44. Laws do not have retroactive effect, except those of public order or of social interest. In criminal matters a law favorable to the criminal always has preference and retroactivity, even though sentence may have been executed.

ART. 45. Private property acquired in accordance with the law by juridical or natural persons is guaranteed, and it may not be denied or injured by later laws.

Private property implies obligations for its proprietor by reason of the social function that it must fulfill.

ART. 46. There may be expropriation, for reasons of public utility or social interest defined by the law, by means of a judicial decree and previous indemnification.

ART. 47. When the application of a law enacted for reasons of public utility or social interest may result in conflict of the rights of private individuals with the need recognized by the law itself, the private interest must give way to the public or social interest.

ART. 48. No one is obliged to pay a tax or impost that is not legally established and the collection of which is not made in the form prescribed by the laws.

ART. 49. In case of war, grave disturbance of public order, or of urgent social interest, that demand rapid measures, the Executive may decree expropriation or occupation of private property and the indemnification need not be prior.

When restitution of the object seized may be feasible, the seizure will be only for the time in which the circumstances that caused it continue.

The State is always responsible for every expropriation thus carried out by the Executive and for the damage and injuries caused by the seizure and will pay its value as quickly as the reason determining the expropriation or seizure may have ended.

ART. 50. Every author or inventor enjoys exclusive property in his work or invention during the time and in the form that the law establishes.

ART. 51. Every person against whom is issued or executed, by any public official, an order to act or not to act that violates the rights and guarantees that this Constitution consecrates, will have the right to petition, by himself or through any other person, that the order may be revoked. The law will determine the form of this summary procedure of appeal of the constitutional guarantees.

The recourse to which this article refers will always be within the competence of the judicial tribunals.

ART. 52. In case of foreign war or internal disturbance that threatens peace or public order, all of the Republic or part of it may be declared in a state of

siege and the purposes of Articles 22, 24, 26, 27, 29, 38, 39, and 45 may be temporarily suspended, wholly or partially.

ART. 53. The National Assembly, if it should be assembled, will decree the state of siege and the temporary suspension. If it should be in recess, it will be declared by means of a decree signed by the President, his Ministers, and the members of the permanent legislative committee, and in the same decree the National Assembly will be convoked in order that within a maximum period of five days it may assemble and decide if that may be the case. The cause having ceased, the Assembly, if it should be assembled, and, if it is not assembled, the Cabinet Council, with the approval of the permanent legislative committee, will lift the state of siege or the suspension.

CHAPTER II

The Family

ART. 54. The State protects matrimony, maternity, and the family and guarantees the rights of the child up to his adolescence. The law will determine what relates to the civil status.

ART. 55. Matrimony is the legal foundation of the family, resting on the equality of rights of the spouses, and it may be dissolved in accordance with the law.

ART. 56. A union in fact between persons legally capacitated to contract matrimony, maintained during ten consecutive years in conditions of singularity and stability, will have all the effects of civil matrimony.

For this purpose it will be sufficient that the interested parties conjointly request inscription in the civil registry of matrimony in fact. Matrimony may be verified, when this request has not been effected, for the purpose of the claim of the rights of any interested party, by means of the procedure that the judicial law determines. But the making of the inscription may be opposed, or impugned after the action, by the Public Ministry in the interests of morality or the law, or by third parties who may allege rights susceptible of being affected by the inscription, if the declaration may be contrary to the reality of the facts.

ART. 57. Parental jurisdiction is the aggregate of duties and rights that parents have in relation to the children.

Parents are obliged to feed, care for, educate, and instruct their children and the latter to respect and care for their parents. The law will regulate the exercise of the parental jurisdiction in accordance with the social interest and the benefit of the children.

ART. 58. Parents have the same duties toward children born outside of wedlock as toward those born in it. All children are equal before the law and have the same hereditary rights in intestate succession.

ART. 59. The law will regulate the investigation of paternity. All qualification on the nature of the filiation is abolished. No declaration shall be made that establishes a difference in the births or in the civil status of the parents, in the acts of inscription of the former, or in any attestation, record of baptism, or certification referring to filiation.

The power is granted to the parent of a child born previous to the taking effect of this Constitution to comply with what is provided in this article by means of the rectification of any act or attestation in which any classification may be established with respect to said child. The consent of the mother is not required for this. If the child is of majority age the latter must grant his consent.

In acts of simulation of paternity, anyone may object to this measure who is legally affected by the act.

The law will indicate the procedure.

ART. 60. The State will watch over the social and economic development of the family and will organize the family patrimony, determining the nature and amount of the property that must constitute it, on the basis that it is inalienable and unattachable.

ART. 61. The State will provide breeding and education to minors whose parents or guardians are economically incapacitated to do it or who lack relatives obliged to provide it for them.

ART. 62. Abandoned, physically or mentally deficient, wayward, or delinquent minors are subject to special legislation for supervision, rehabilitation, and protection.

CHAPTER III

Labor

ART. 63. Labor is a right and a duty of the individual. The State will employ the resources that are within its ability to provide employment to all who may lack it and to assure to every worker the economic conditions necessary to a decent existence.

ART. 64. A minimum salary or wage is guaranteed to every worker in the service of the State or of public or private enterprises or of private individuals.

ART. 65. The law will establish the manner of periodically adjusting the minimum salary or wage for the purpose of improving the standard of living of the worker and with attention to the peculiarities of each region and of each industrial, commercial, or agricultural activity.

It is obligatory that in work by contract or lump payment the minimum wage for a working day remain assured.

The minimum of every wage or salary is unattachable, except for obligations for food in the form that the law establishes. Working tools of laborers are also unattachable.

ART. 66. An equal salary or wage always belongs to equal work, under identical conditions, whoever may be the persons who perform it, without distinction of sex or nationality.

ART. 67. The right of organization of employers, employees, workers, and professional persons of all classes is recognized for the exclusive ends of their economic-social activity.

The Executive will have an unextendable period of thirty days for accepting or rejecting the inscription of a workers' or employers' union. The inscription will determine the juridical personality of the union. The law will regulate everything that concerns the recognition by the Executive of unions of employers, employees, workers, and professional persons.

The Executive may not dissolve a union except when it has departed from its exclusive purposes and is so declared by a competent tribunal by a final decree.

The management of these associations will be composed exclusively of Panamanians.

ART. 68. The right of strike and of lockout is recognized. The law will regulate its exercise and may subject it to special restrictions in the public services that it determines.

ART. 69. The maximum working day is of eight hours and the working week up to forty-eight hours. Maximum night work will not be greater than seven hours. Extra hours will be remunerated with overtime.

The maximum working day may be reduced to six hours daily for those more than fourteen and less than eighteen years of age. Work by those less than fourteen and night work by those less than sixteen years of age is prohibited, save for the exceptions that the law establishes. The employment of minors up to twelve years of age in the status of domestic servants and work by minors and by women in unhealthful occupations is similarly prohibited.

In addition to a weekly rest, every worker will have the right to remunerated vacations.

ART. 70. Stipulations that imply renunciation, diminution, corruption, or relinquishment of any right recognized in favor of the worker are null and, therefore, do not oblige the contracting parties, even though they may be expressed in a labor contract or any other pact. The law will regulate everything relative to the labor contract.

ART. 71. Maternity in the working class is protected. The woman in a state of pregnancy may not be separated from her employment for this reason. During the six weeks that precede childbirth and the eight that follow it she shall enjoy an obligatory rest, remunerated in the same manner as her work, and she will retain her employment and all the rights belonging to her contract.

ART. 72. The law will regulate immigration, paying attention to the national economic system and to social needs.

Contracting for day laborers who may cut down the conditions of work or the living standards of the national worker is prohibited.

ART. 73. Every worker dismissed without just cause and without the formalities that the law establishes has the right to be indemnified by his employer. The law will indicate just causes for dismissal and the scale of indemnification, according to the length of service.

ART. 74. It is the duty of industrial enterprises, in the spheres of their specialization, to create schools for apprentices intended to promote labor education among the children of their operatives or associates. The law will regulate this matter.

ART. 75. A labor jurisdiction is established, to which shall be submitted all controversies that originate in the relations between capital and labor. The law will establish the standards belonging to said jurisdiction and the entities that put it into practice.

ART. 76. Relations between capital and labor are matters for the regular law, arranging them on a basis of social justice in a manner that, without injuring any of the parties, the conditions necessary for a normal life are guaranteed to the worker, and to capital a compensation equitable to its investment.

CHAPTER IV

National Culture

ART. 77. The service of national education in its intellectual, moral, civic, and physical aspects is an essential duty of the State. National education will be inspired by democratic doctrine and ideals of national aggrandizement and human solidarity.

It is a function of the State to fix the bases of education, which will be organized in a form in which unity, articulation, and continuity exist in all its grades.

Every educational institution is of public and social utility.

ART. 78. Primary education is obligatory. Public pre-school, primary, and secondary education, in all its grades and types, will be gratuitous. The gratuity of pre-school and primary instruction implies the obligation for the State of providing for the pupil all the equipment that may be necessary for his learning. The gratuity of secondary instruction does not prevent the establishment of a matriculation fee.

ART. 79. Liberty of instruction is guaranteed. The State may, nevertheless, intervene in private teaching establishments to see that the national and social purposes of culture and the better intellectual, moral, civic, and physical development of those educated are complied with in them.

ART. 80. No educational institution may refuse to admit students by reason of the nature of the union of their ancestors or guardians or because of social, racial, or political differences.

The violation of this precept by private educational institutions will cause the loss of the official subvention if it had one, that of the power of having its degrees and certificates recognized by the State, if it possessed the power, and, if it should be guilty of contempt, the loss of the right to continue imparting instruction.

ART. 81. Instruction in the history of the Fatherland and in civic education will always be under the charge of national professors.

Instruction in foreign languages will not be imparted in private educational establishments without the permission of the ministry of education, granted for competent reasons of public interest.

Programs of primary instruction in private schools will be the same as in public schools; but they may be granted permission for the establishment of additional courses in any language.

It is obligatory for private schools to include in their secondary programs instruction in the history and geography of the Fatherland and in civic education.

ART. 82. Only the State may grant scholarships or financial aid to students who have won in competition or public contests or who may have obtained in their studies the qualifications that, in conformity with the law, make them deserving of the assistance of the State.

Under equality of excellence, preference shall be given to those participants whose economic means do not permit them to attend to the studies for which they may be presented in the competition.

ART. 83. The law will establish the necessary incentives for the publication of national didactic works and standards for their adoption as official texts.

ART. 84. Expenditures that are required for the sustaining of the service of education will have preference over any others whatever. The organic law of the branch will determine the proportion of the revenues that must be designated for that service.

ART. 85. Only the academic and professional degrees issued by the State or authorized by the latter in accordance with legal provisions may be recognized.

ART. 86. The official university of the Republic is autonomous. Juridical personality, its own patrimony, and the right of administering it are recognized. It has the power to organize its studies and to designate and separate its personnel in the form that the law determines. It will include in its activities the study of national problems and the diffusion of popular culture.

ART. 87. In order to make effective the economic autonomy of the university, the State will give it what is indispensable for its installation, functioning, and future development, as well as the patrimony that is spoken of in the preceding article and the means necessary for increasing it.

ART. 88. Freedom of professorship is recognized without other limitations than those that the university statute establishes for reasons of public order.

ART. 89. The State will promote the establishment of special technical, industrial and professional, and stock-raising and commercial schools, adapting them to the specific needs of the Nation. The law will establish, after the primary school, services of professional orientation that allow discovering the aptitudes and capacities of the students and guiding them toward their better individual and social utilization.

ART. 90. The State will develop popular culture by all possible means and will maintain a system of gratuitous complementary courses for adults, intended to prevent and eliminate illiteracy and for the practical preparation of the working classes.

ART. 91. The law will create a department of physical culture which will have the mission of diffusing said culture in teaching institutions and among the masses of the people.

CHAPTER V

Public Health and Social Welfare

ART. 92. It is an essential function of the State to watch out for public health. The individual has the right to the protection, preservation, and restitution of his health, and the obligation of preserving it.

In consequence, the State will develop principally activities that are detailed in continuation:

1st. To combat transmissible diseases by means of individual treatment and improvement of the environment.

2nd. To protect maternity and reduce infant mortality by means of medical assistance and adequate nutrition.

3rd. To supplement the feeding of needful students and to supply school children with a service of medical supervision.

4th. To establish hospitals, dental clinics, and dispensaries, in accordance with the needs of each region, in which services are given and free medicines supplied to those who lack pecuniary resources; and

5th. To popularize systematically the principles of scientific nutrition, personal hygiene, and home sanitation.

The National Assembly will enact a sanitary code.

ART. 93. Every individual has the right to the security of his economic means of subsistence in case of incapacity for working or obtaining remunerated work. Services of social insurance will be given and administered by autonomous entities and will cover cases of illness, maternity, family subsidies, old age, widowhood, orphanage, forced suspension of work, labor accidents, and occupational illnesses, and all other contingencies that may affect the capacity to work and consume. The law will provide for the establishment of such services in the measure that social necessities may require it.

The State will create institutions of social assistance and welfare. The economic and moral rehabilitation of dependent sectors, and attention to the

mentally incapacitated, the chronic infirm, and invalids lacking economic resources are fundamental tasks of these.

The State will promote, furthermore, the establishment of cheap dwellings for workers.

CHAPTER VI

Peasant and Indigenous Communities

ART. 94. The State will give special protection to peasant and indigenous communities for the purpose of integrating them in an effective manner in the national community with regard to their standards of living, economic, political, and intellectual. Action relative to indigenous communities will be effected to conserve and develop at the same time the values of the autochthonous culture.

ART. 95. To comply with the ends of the economic integration of said communities, the State will perform methodically the following activities:

1st. To give freely to peasants and Indians the necessary working lands, issuing to them the appropriate title of ownership. Lands close to centers of population and to the principal roads and of depth will be preferred. When unoccupied national lands of these qualifications are lacking, uncultivated and idle private lands will be expropriated. These expropriations may be carried into effect only when they deal with uncultivated plots that exceed 100 hectares or that, being of less extent, belong to persons that do not devote them exclusively to agriculture or stock raising as a means of subsistence.

2nd. To reserve lands for indigenous communities and to prohibit their adjudgment under any title.

The existence of indigenous reservations already established is recognized.

3rd. To create by all adequate means services of agrarian credit or of technical institutions that carry to the peasants and Indians the necessary knowledge and resources for establishing among them scientific systems of cultivation.

4th. To take measures to assure stable markets and equitable prices for their products and to prompt the establishment of co-operatives for production, distribution and consumption.

5th. To establish means of communication and transportation to unite the peasant and indigenous communities with centers of distribution and consumption.

6th. To promote and stimulate the development of agriculture, rural industry, and regional arts by means of prizes or other similar incentives, in the form that the law determines.

ART. 96. In addition to the general ends of national culture, schools for peasants and Indians must satisfy the following:

1st. To create a consciousness of the duties, rights, dignity, and possibilities of the Panamanian citizen.

2nd. To awaken interest in country life by means of objective instruction in the material elements indispensable for a secure, healthful, and decent rural life; and

3rd. To carry to peasant and indigenous homes the action of agencies of education and assistance that tend to elevate their moral, cultural, and social level.

TITLE IV

Political Rights

CHAPTER I

General Provisions

ART. 97. All Panamanians more than twenty-one years of age, without distinction of sex, are citizens.

ART. 98. Citizenship consists in the right to elect and to be elected to public positions of popular election and in the capacity to exercise official offices with power and jurisdiction, except for what is provided, as a special case, in Article 192.

ART. 99. Citizenship is lost:

1st. By loss of Panamanian nationality, in conformity with this Constitution; and

2nd. By punishment in conformity with the law.

ART. 100. Citizenship is recovered by means of rehabilitation by the National Assembly.

ART. 101. Citizenship is suspended:

1st. By judicial decision in the cases that the law determines; and

2nd. By pending criminal action after the judge issues a writ instituting suit, in cases that do not have the right to bail.

CHAPTER II

The Suffrage

ART. 102. The suffrage is a right and a duty of all citizens. The law will regulate it on the following bases:

1st. The suffrage is free. All official support to candidates for positions of popular election is prohibited, even though the means employed for such ends may be hidden.

2nd. The authorities are impartial guarantors of the suffrage and are not instruments of political compulsion, direct or indirect. All exaction of quotas or contributions from public employees, for political purposes, even on the pretext that they are voluntary, is prohibited to the authorities.

3rd. Every popular election, and those that public corporations must make

when the electing of more than two citizens is involved, will be made by some system that assures proportional representation of the parties.

4th. Every citizen will be provided with a personal, permanent cedula, the acquisition of which is obligatory and which will serve for his identification in popular elections and in the other acts that they require; and

5th. The vote is universal, equal, direct, and secret.

ARR. 103. The law will regulate the manner of constituting political parties. The formation of any that may have sex, race, or religion as a basis or that may tend to destroy the democratic form of government is not lawful.

ARR. 104. Violation of the provisions contained in Article 102 constitutes an offense. The law will establish the corresponding penalties, except for what is provided in Article 148.

CHAPTER III

Electoral Organisation

ART. 105. There will be a national jury of elections in the Republic, the selection, composition, and powers of which will be determined by law on the principle of proportional representation, and guaranteeing supervision of their functions by parties and political groups not represented on it and other electoral bodies.

TITLE V

The Legislative Branch

CHAPTER I

National Assembly

ART. 106. The legislative branch is constituted by a body denominated the National Assembly, composed of as many Deputies as belong to the electoral districts at the ratio of one for each 15,000 inhabitants and one more for a residuum that is not less than 7,500.

A Province with less than 15,000 inhabitants has the right to elect one Deputy.

Two substitutes will be elected for each Deputy, who will in their order replace the incumbents in their permanent or temporary absences.

ART. 107. Deputies, once elected, represent the whole of the Nation, are not subject to any mandate, and obey only the dictates of their conscience.

ART. 108. Deputies and their substitutes will be elected by direct, popular vote for a term of four years.

ART. 109. The National Assembly will meet annually, in its own right, without the necessity of previous convocation, in the capital of the Republic, on October 1st.

ART. 110. Each period of regular or extraordinary sessions is denominated a

legislative term. The regular legislative term is not extendable and covers ninety consecutive working days.

ART. 111. The Executive may convoke the National Assembly in extraordinary session for the time that he indicates, to deal exclusively with the matters that he submits to it.

ART. 112. To be a Deputy to the National Assembly it is necessary to be an active citizen and to be more than twenty-five years of age.

ART. 113. Members of the National Assembly are not legally responsible for the opinions and votes that they emit in the exercise of their offices.

ART. 114. From the day of his election and for the period of the term for which he was elected, no Deputy may be accused, prosecuted, or arrested, or called in a criminal or police trial without the previous authorization of the Assembly or of the permanent legislative committee when the Chamber is in recess. Nor may he be sued civilly during the time included within the thirty days prior to and the thirty days after each term of sessions.

The Assembly, or the permanent legislative committee, according to the case, may, at the demand of a Deputy, temporarily or partially lift the immunity of the same.

ART. 115. Deputies may not be appointed to any public, remunerated office, except those of Minister of State, Magistrate of the Supreme Court of Justice, chief of a diplomatic mission with the category of ambassador or minister plenipotentiary, or professor in official universities. Violation of this precept nullifies the appointment.

The acceptance of the office of Magistrate produces a permanent vacancy and that of the offices of Minister of State or chief of a diplomatic mission a temporary vacancy in the representation.

ART. 116. No increase or diminution of daily fees or new distribution of any kind shall be made effective until after the members of the Assembly in which they may have been voted have ceased in their functions.

ART. 117. Deputies to the National Assembly may not, by themselves or by intervening persons, make any contract with agencies of the State or with institutions or enterprises related to the latter, or grant to anyone power to conduct business before those agencies, institutions, or enterprises while the Assembly is in session.

The following cases are excepted:

1st. When it deals with the personal or professional use of public services or of current operations of the same kind with institutions or enterprises related to the State.

2nd. When it deals with contracts negotiated with any of the agencies or entities mentioned in this article, by means of bidding, by companies that do not have the status of corporations and in which a Deputy may be a partner, provided that the participation of the latter in them was of a date prior to his election to the office.

3rd. When, by means of bidding or without it, contracts are negotiated with such agencies or corporate entities of which a total of not more than twenty-five per cent of the shares belong to Deputies of the National Assembly.

4th. When a Deputy acts in exercise of the profession of attorney, outside of the term of sessions, or within it, but by means of permission.

A Deputy who, in accordance with Clauses a, b, and c [i.e., 1st, 2nd, and 3rd clauses, above] of this article, negotiates a contract with any of the agencies of the State or with institutions or enterprises related to the latter, or undertakes negotiations before one or the other, will lose his immunity in everything that is related to such contracts or negotiations.

Arr. 118. The legislative functions of the National Assembly consist in enacting the laws necessary for the fulfillment of the ends and the exercise of the functions of the State declared in this Constitution, and especially the following:

1st. To enact, place in force, amend, or repeal the national codes.

2nd. To determine the number and nomenclature of the ministries of State and to distribute among them the business of the administration.

3rd. To create or suppress offices and to determine their functions, duties, powers, terms, and remuneration.

4th. To enact a general law on salaries on the proposal of the executive branch.

5th. To approve or disapprove public treaties negotiated by the Executive.

6th. To approve or disapprove contracts or conventions negotiated by the Executive with any natural or juridical persons.

7th. To grant authorization to the Executive to negotiate contracts, negotiate loans, dispose of national property, movable or immovable, the value of which exceeds 5,000 balboas, and to exercise other analogous functions within the constitutional orbit.

8th. To declare war and empower the Executive to negotiate peace.

9th. To designate the place where the agencies of the State must reside.

10th. To establish or change the political division of the national territory.

11th. To limit and regulate the disposal of unoccupied lands.

12th. To fix the infantry forces in time of peace.

13th. To organize the services established in this Constitution.

14th. To promote the sciences and arts, to encourage agriculture and industry and useful or charitable enterprises deserving of stimulation and aid.

15th. To decree the monuments that the State may erect.

16th. To approve, with modifications or without them, the bill on public works that the Executive presents to it for the corresponding fiscal year, in accordance with what is provided in Article 144.

In discussing the bill, preference will be given to those works already commenced in accordance with the previous fiscal year.

17th. To organize national statistics and to provide whatever is conducive for the carrying out of a census of the population.

18th. To grant amnesty for political offenses.

19th. To organize the public credit.

20th. To recognize the national debt and arrange for its service.

21st. To decree the expenditures of the administration, in view of the budget that the Executive presents to it, approving or modifying it.

If, for any reason, a budget is not enacted by the National Assembly, that of the preceding fiscal year will continue in force. In this case, the approval of the permanent legislative committee, which may or may not modify it, will be necessary.

22nd. To establish taxes, contributions, revenues, and official monopolies in order to attend to the public services.

23rd. To provide for the application of national properties to public uses, as well as the form and condition of the same.

24th. To determine the fineness, weight, value, form, type, and denomination of the national money.

25th. To invest the Executive temporarily, when the latter so requests it, with exact, extraordinary powers, which shall be exercised by means of decree-laws, provided that necessity requires it or the public convenience advises it.

The law in which said powers are conferred will specifically express the matters and the purposes that will be the object of the decree-laws, and provided that the latter treat of matters reserved to organic laws they must be approved by an absolute majority of the members of the Assembly.

Every decree-law that the Executive issues in exercise of the powers that are conferred on him must be submitted to the National Assembly in order that it may legislate on the matter. If the decree-law has had its effect, by being of a transitory character, the Assembly must declare if it approves or disapproves, for the purpose of determining the corresponding responsibility.

The approval of the permanent legislative committee will be necessary for the exercise of the extraordinary powers to which this paragraph refers.

26th. To create administrative departments, with internal autonomy, inter-ministerial agencies, and technical councils, for the purpose of assuring the efficacy of administrative functions, of co-ordinating the action of the various official dependencies, and of planning and developing technically the work of public administration.

ART. 119. Judicial functions of the National Assembly are:

1st. To take cognizance of accusations or denunciations that may be presented against the President of the Republic and the Magistrates of the Supreme Court of Justice and of the tribunal of administrative litigation and to judge them, if there is occasion for it, by executed acts in exercise of its

functions, as injurious to the free functioning of the public power or violative of the Constitution and the laws.

2nd. To take cognizance of accusations or denunciations that may be presented to it against Deputies to the National Assembly.

The law will establish the procedure that must be followed and the penalties that may be applied.

ART. 120. Administrative functions of the National Assembly are:

1st. To enact regulations for its internal organization.

2nd. To examine the credentials of its own members and to decide whether or not they are in the form that the law prescribes.

3rd. To accept or refuse the resignation of the President of the Republic.

4th. To grant a leave of absence to the President of the Republic to be separated from his office up to six months and to leave the national territory in use of it.

5th. To approve or disapprove appointments that the Executive makes and which, by provision of this Constitution or the law, may require the ratification of the National Assembly.

6th. To appoint the Attorney General of the Nation and his substitutes and the Comptroller and Subcomptroller General of the Republic and to approve or disapprove the appointments of the Magistrates of the Supreme Court of Justice and their substitutes and of the magistrates of the tribunal of administrative litigation and their substitutes.

7th. To appoint committees in order that they may investigate any matter relative to acts executed or measures proposed by the Executive and in order that they may inform the Assembly to the end that it may enact the measures that it considers appropriate.

All parties that compose the Assembly will be necessarily represented on these committees and they will have the right to summon private individuals as well as officials and authorities in order that they may be present to report before them, and to request the facts and documents that they consider necessary for the purposes of the investigation.

8th. To give votes of censure against Ministers of State when the latter, in the judgment of the Assembly, may be responsible for unlawful or illegal acts or grave errors that may have caused notorious injury to the interests of the State. In order that a vote of censure may be attainable it is necessary that it should be proposed in writing six days prior to its debate, by not less than half of the Deputies, and approved with a vote of two-thirds part of their number.

9th. To examine and conclude definitively in each regular session the general accounts of the treasury that the Executive presents to it.

10th. To request verbal or written reports from the Ministers of State and to require their attendance at sessions, expressing its purpose, when it decides that that is necessary in order to explain the debate; and

11th. To rehabilitate those who may have lost nationality or citizenship.

ART. 121. It is forbidden to the National Assembly:

1st. To enact laws contrary to the letter or spirit of this Constitution.

2nd. To recognize as a charge on the public treasury indemnifications that have not been previously declared by the tribunals, and to vote items for paying scholarships, pensions, superannuations, gratuities, or expenses that have not been decreed in conformity with the pre-existent general laws.

3rd. To decree acts of proscription or of prosecution against persons or corporations.

4th. To give votes of approval or of censure with respect to the acts of the President of the Republic.

5th. To spur or compel public officials to adopt specified measures.

6th. To make appointments distinct from those that belong to it in accordance with this Constitution.

7th. To require public reports on pending diplomatic negotiations that may have a confidential character.

8th. To order or authorize other public works than those decreed in the law, to which Clause 16 of Article 118 refers, except cases of emergency expressly so declared by the Assembly; and

9th. To delegate any of the functions that belong to it, except for what is ordained in Clause 25 of Article 118.

ART. 122. At least three days before the closing of the regular session, the National Assembly will designate a permanent legislative committee, formed by five incumbent members with a substitute for each incumbent, all active Deputies, which will be elected thus:

1st. The total number of the Deputies who compose the National Assembly will be divided by the number of members of the committee to be elected. The resultant will be denominated the election quotient.

2nd. For the election of members of the permanent legislative committee, each Deputy will vote on a single ticket for an incumbent and a substitute, who must necessarily be Deputies, and those who have obtained a number of votes at least equal to the election quotient will be declared elected; and

3rd. If, after adjudging the representation by means of the election quotient, there remain positions to fill, those who have obtained the greatest number of votes will be declared elected to occupy them. Cases of a tie will be decided by lot.

This committee will exercise its functions during the period of recess included between one legislative term and the following.

ART. 123. Conjointly with the Executive this committee will take cognizance:

1st. Of cases of suspension of constitutional guarantees.

2nd. Of the issuance of decree-laws enacted in accordance with this Constitution.

3rd. Of all that relates to the exercise of the extraordinary powers with which the Executive may be invested.

4th. Of the issuance of supplemental extraordinary credits, and

5th. Of the issuance of the budget, in the case dealt with by Clause 21 of Article 118, and of the corresponding plan of public works.

Furthermore, the committee will have the following powers:

6th. In the recess of the Assembly, to take cognizance of all penal or correctional proceedings begun against Deputies or Magistrates of the Supreme Court of Justice.

7th. In the recess of the Assembly, to give its approval in order that the President of the Republic may leave the national territory and to grant him leave of absence to be separated from his office up to six months; and

8th. To elaborate, in accordance with the most urgent needs, bills for consideration by the Assembly in its next session.

CHAPTER II

Enactment of Laws

ART. 124. Laws have their origin in the Assembly and are divided thus:

1st. Organic, which are enacted in fulfillment of Numbers 1, 2, 3, 4, 10, 11, 13, 19, 21, 22, and 26 of Article 118; and

2nd. Ordinary, which are enacted in relation to the other numbers of said article.

ART. 125. Laws will be proposed:

1st. When they may be organic:

I. By special committees of the Assembly.

II. By Ministers of State.

III. By the Supreme Court of Justice, provided that they deal with the enactment or amendment of the civil, commercial, penal, or procedural codes; and

2nd. When they may be ordinary, by any member of the Assembly or a Minister of State.

Organic laws need for their enactment the favorable vote, in each one of the debates, of an absolute majority of the members of the Assembly. Ordinary laws require only the approval of a majority of the Deputies present at the corresponding session.

ART. 126. No bill will be a law of the Republic if it has not been approved by the National Assembly in three debates, on different days, and sanctioned by the Executive in the form that this Constitution provides.

ART. 127. Every bill that has not been presented by one of the special committees dealt with in Paragraph a [i.e., 1st clause, above] of Article 125 shall be sent by the president to a committee in order that it may study and discuss it within an appropriate period.

The committee may seek advice from experts and request information from private individuals or private or public entities which are affected by the matter with which the bill deals. The term of study being completed, the committee will inform the Assembly if it should proceed or not to legislate on the matter to which the bill refers, with a clear and methodical expression of the conclusions adopted. The committee will designate a *rapporteur* from its membership who will support the corresponding debates before the Assembly.

A similar proceeding will be followed in the special committees dealt with by Paragraph a [i.e., 1st clause, above] of Article 125 with bills for organic laws.

The first debate of every bill is that which is given it in the committee with which this article deals. If the bill should be recommended by the committee it will pass to second debate.

A bill may also pass to second debate when a majority of the Assembly, at the request of one of its members, rejects the opinion of the committee and gives its approval to the bill.

Arr. 128. A bill being approved, it will pass to the Executive, and if the latter sanctions it he will order it promulgated as a law. In a contrary case he will return it, with his objections, to the Assembly.

Arr. 129. The Executive will have a period of six working days to return, with his objections, any bill, when the latter consists of up to fifty articles; of ten days when it consists of more than fifty articles and fewer than 200; and of fifteen days when it contains 200 articles or more.

If the Executive has not returned the bill with his objections, once the indicated periods have elapsed, he may not fail to sanction it and cause it to be promulgated. But if the Assembly enters into recess within the said periods, the Executive must publish the bill, sanctioned or vetoed, within the ten days following the adjournment of the Assembly.

Arr. 130. A bill objected to in its entirety by the Executive will return to the Assembly on third debate. If it should be objected to only in part, it will return on second debate, for the sole purpose of considering the objections stated.

If, the objections being considered by the National Assembly, the bill should be approved by two-thirds of the Deputies who compose the Assembly, the Executive will sanction it and cause it to be promulgated, without being able to present new objections. The bill will remain rejected if it should not obtain the approval of that number of Deputies.

Arr. 131. When the Executive objects to a bill because of unconstitutionality and the Assembly, by the expressed majority, insists on its adoption, it will pass to the Supreme Court of Justice in order to decide on its constitutionality. A verdict of the Court that declares the bill constitutional obliges the Executive to sanction it and cause it to be promulgated.

ART. 132. If the Executive does not comply with the duty of sanctioning the laws and causing them to be promulgated, in the terms and following the conditions that this title establishes, the president of the Assembly will sanction them and cause them to be promulgated.

ART. 133. Every law will be promulgated within the six working days that follow that of its sanction, and will enter into force from its promulgation, except when the law itself establishes another date for entrance into force.

ART. 134. Laws must be given an explanation, and the following formula will precede their text: The National Assembly of Panama, Decrees:

ART. 135. Bills that remain pending after a period of sessions may be considered only as new bills.

TITLE VI

The Executive Branch

CHAPTER I

President and Vice-Presidents

ART. 136. The executive branch is constituted by a magistrate who is designated President of the Republic, with the indispensable co-operation of the Ministers of State.

ART. 137. In each particular case, the President with the Minister of the respective department represents the executive branch.

ART. 138. The President of the Republic will be elected by direct, popular suffrage, and by a majority of the votes, for a term of four years.

Together with the President of the Republic, in the same manner and for an equal term, a First Vice-President and a Second Vice-President will be elected, who will replace the President in his absences, in conformity with what is prescribed in Article 149.

ART. 139. A citizen who has been elected President of the Republic may not be re-elected for the same office in the two terms immediately following.

ART. 140. To be President of the Republic or Vice-President it is necessary:

- 1st. To be a Panamanian by birth; and
- 2nd. To be more than thirty-five years of age.

ART. 141. The President of the Republic will take possession of his office before the National Assembly and will take an oath in these terms: "I swear to God and to the Fatherland to fulfill faithfully the Constitution and the laws of the Republic."

A citizen who does not possess a religious belief may dispense with the invocation to God in his oath.

ART. 142. If, for any reason, the President of the Republic cannot take possession before the National Assembly he will take it before the Supreme Court of Justice and in default of the latter, before a notary, or, in the last case, before two capable witnesses.

ART. 143. Powers that the President of the Republic may exercise by himself alone are:

- 1st. To appoint and remove freely the Ministers of State.
- 2nd. To supervise the regular functioning of the administration and the preservation of public order.
- 3rd. To watch over the collection and administration of national revenues.
- 4th. To guard the good progress of public establishments.
- 5th. To see to it that the National Assembly meets on the day indicated by the Constitution or by the decree by which it has been convened in extraordinary session; and
- 6th. To present at the beginning of each legislative term, on the first day of its regular sessions, a message on the affairs of the administration.

ART. 144. Powers that the President of the Republic must exercise with the co-operation of the respective Minister, of the Cabinet Council, or of the permanent legislative committee, as the case may be, are:

- 1st. To sanction and promulgate the laws, to obey them and see to their exact fulfillment.
- 2nd. To appoint and remove freely the governors of the Provinces, and the chiefs and officers of the public force and of the body of national police.
- 3rd. To inform the Assembly of vacancies occurring in offices that it must fill.
- 4th. To appoint, in accordance with what is provided in Title XII, the persons who must discharge any of the national offices or positions provision for which does not belong to another official or body.
- 5th. To send to the National Assembly within the first ten days of its regular sessions the budget of revenues and expenditures, the plan of public works for the following fiscal year, and the bill for salaries, if he considers the latter suitable, except for the case in which the date of taking possession of his office by the President of the Republic coincides with the beginning of said sessions. In this case the President of the Republic must do it within the first forty-five days of the sessions of the same.
- 6th. To give to the National Assembly the information that the latter requests of him.
- 7th. To negotiate administrative contracts for the lending of services and the execution of public works, in accordance with what this Constitution and the law provide, and with the obligation of giving an account of them to the National Assembly.
- 8th. To direct foreign relations; to accredit and receive diplomatic agents and consuls as well as to negotiate public treaties and conventions, which will be submitted to the consideration of the National Assembly.
- 9th. To grant to nationals who may request it permission to accept offices from foreign governments in cases in which such permission may be necessary in accordance with the Constitution or the law.

10th. To issue letters of naturalization according to the procedure that the law indicates.

11th. To grant commercial and industrial patents, in conformity with the law.

12th. To direct, regulate, and inspect the services established by this Constitution.

13th. To appoint, subject to the approval of the National Assembly, chiefs and directors of the public autonomous and semi-autonomous entities, according to what the respective laws provide.

14th. To decree pardons for political offenses, to reduce penalties, and to grant conditional liberty to those guilty of common offenses.

15th. To confer military ranks in case of war.

16th. To dispose of the public force of the Nation.

17th. To issue regulations for the laws that may require it for their better fulfillment, without departing, in any case, from their text or their spirit.

18th. To appoint, by means of the unanimous agreement of the Cabinet Council and subject to the approval of the National Assembly, the Magistrates of the Supreme Court of Justice and their substitutes and those of the tribunal of administrative litigation and their substitutes.

19th. To exercise the exact, extraordinary powers with which Article 118, Clause 25, of this Constitution deals; and

20th. To exercise other powers that belong to him in accordance with this Constitution and the law.

ART. 145. No act of the President of the Republic, except those stated in Article 143, will have any value or effect unless it is signed by the Minister of State in the respective department, who, by the same fact, is made responsible.

Orders and provisions that a Minister of State issues within his department, stating that it is done by instructions of the President of the Republic, will be obligatory and may be invalidated only by the President himself, provided that the limit of the powers that belong to the Executive according to the Constitution and the law is not exceeded.

ART. 146. The President of the Republic may withdraw from his functions only by leave of absence which in no case will be greater than six months and which will be granted by the National Assembly and, in the recess of the latter, by the permanent legislative committee dealt with by Article 122.

The President of the Republic may not leave the national territory while he is engaged in the exercise of his functions.

Violation of this rule causes loss of the office.

In case of resignation, the National Assembly will take cognizance of it, in order to accept or refuse it, and, in the recess of the latter, the Supreme Court of Justice.

ART. 147. The emoluments that the law assigns to the President of the

Republic may be altered, but the alteration will not enter into force except in the following presidential term.

ART. 148. The President of the Republic alone is responsible in the following cases:

1st. For exceeding his constitutional functions.

2nd. For acts of violence or coercion in the course of the electoral process, or which prevent the meeting of the National Assembly or obstruct the latter or other public bodies or authorities, established by the Constitution, in the exercise of their functions; and

3rd. For the crime of high treason.

In the first two cases the punishment will be removal from office and disqualification to exercise public office for the period that the law fixes.

The common law will be applied in the third case.

ART. 149. In the temporary or permanent absence of the President of the Republic, one of the Vice-Presidents, in the order in which they were elected, will exercise his functions.

Furthermore, it is the function of the First Vice-President of the Republic to be present, with voice but without vote, at the sessions of the Cabinet Council.

ART. 150. When, for any reason, the absences of the President cannot be filled by the Vice-Presidents, one of the Ministers of State who possesses the requirements necessary to be President of the Republic and who is elected by these by a majority of votes, will exercise the presidency.

ART. 151. When a permanent absence of the President and the Vice-Presidents is brought about not less than two years before the expiration of the presidential term, the person in charge of the presidency will call elections for the President and Vice-Presidents for a date not later than four months, so that the citizen elected President takes possession within the six months following the call. The respective decree will be issued, at the latest, eight days after the assumption of the post by the said person in charge of the presidency. If there remain less than two years until the completion of the term, the person in charge will exercise its functions until the end of said term.

A citizen who may have discharged the presidency within the two years immediately preceding the stated elections, or any of his relatives within the fourth degree of consanguinity or the second of affinity, may not be elected President or Vice-President in these elections.

ART. 152. The citizen who replaces the President of the Republic will have the same title, the same status, and will exercise the same powers as the latter.

ART. 153. The following may not be elected President:

1st. A citizen who, being called to exercise the presidency by the permanent or temporary absence of the incumbent, has exercised it at any time during the two years immediately preceding the term for which the election is held; and

2nd. None of the relatives, within the fourth degree of consanguinity or the second of affinity, of a President elected by popular vote who has exercised his functions in the term immediately preceding, or of the citizen indicated in Clause 1 of this article.

ART. 154. The following may not be elected Vice-Presidents:

1st. A President elected by popular vote who has discharged his functions at any time, when the election of Vice-Presidents is for the term following his own.

2nd. Relatives, within the fourth degree of consanguinity or the second of affinity, of the President elected by popular vote, for the term that follows that in which the President has exercised power.

3rd. A citizen who, as Vice-President or as Minister of State, has exercised the presidency at any time during the two years preceding the term for which the election is held.

4th. Relatives, within the fourth degree of consanguinity or the second of affinity, of the citizen stated in the preceding clause, for the term immediately following that in which the latter exercised the presidency; and

5th. Relatives, within the fourth degree of consanguinity or the second of affinity, of a candidate for the presidency of the Republic.

CHAPTER II

Ministers of State

ART. 155. The Ministers of State are the superior chiefs of their respective departments and co-operate with the President of the Republic in the exercise of his functions, in accordance with what is provided in this Constitution and the law.

ART. 156. Distribution of business among the Ministers of State, according to its relationship, will be effected in conformity with the law.

ART. 157. The same requirements are necessary to be a Minister of State as to be a Deputy to the National Assembly. But when it may be a citizen by adoption he must have not less than ten years of naturalization at the moment of his designation.

ART. 158. No person who is a relative of the President of the Republic within the fourth degree of consanguinity or the second of affinity may be appointed a Minister of State.

Neither may individuals united among themselves by the expressed degrees of relationship be appointed members of the same Cabinet.

ART. 159. Ministers of State have a voice in the National Assembly.

ART. 160. Each Minister of State will present to the National Assembly, within the first ten days of each period of regular sessions, an account or report on the state of the business of his ministry and on the reforms that he considers it opportune to introduce.

CHAPTER III

The Cabinet Council

ART. 161. A meeting of the Ministers of State under the necessary presidency of the President of the Republic constitutes the Cabinet Council.

ART. 162. Functions of the Cabinet Council are:

1st. To act as a consultative body in the matters that the President of the Republic submits to it and in those in which it must be heard by mandate of the Constitution or of the law.

2nd. To empower the President of the Republic, in the recess of the National Assembly, to compromise or submit to arbitration litigious matters to which the Nation may be a party. The favorable opinion of the Attorney General of the Nation and the unanimous vote of the Council and that of a majority of the permanent legislative committee are necessary for this.

3rd. To make, with the President of the Republic and by unanimous vote, appointments of Magistrates of the Supreme Court of Justice and of the tribunal of administrative litigation.

4th. To issue, under the collective responsibility of all of its members and of those of the permanent legislative committee, the decrees that the President must enact on the suspension of guarantees or in the exercise of extraordinary powers, when he has been invested with them.

5th. To open, under the collective responsibility of all of its members and of those of the permanent legislative committee, supplemental or extraordinary credits, subject to what is provided by Article 221 of this Constitution and to what is prescribed by the laws enacted in development of this precept.

6th. To ask public officials and bodies for the information that it considers necessary or appropriate for the dispatch of the matters that it must consider and to summon the first and representatives of the second that they may give it verbal information.

7th. To enact by-laws for its internal organization; and

8th. To exercise other functions that the Constitution or the law indicates.

ART. 163. The Secretary General of the presidency will have the status of a Minister of State and will exercise the functions of secretary of the Cabinet Council.

TITLE VII

The Judicial Branch

CHAPTER I

Concerning the Administration of Justice

ART. 164. The judicial branch is constituted by a Supreme Court of Justice, by the subordinate tribunals, and by the courts that the law establishes.

ART. 165. The Supreme Court of Justice will be composed of five Magistrates appointed in conformity with what is provided by Clause 18 of Article 144, one each two years for a term of ten years, which will commence November 1st. Each Magistrate will have a substitute appointed for the same term, who will replace the incumbent in his temporary absences and in permanent absences while the vacancy is being filled.

In case of the permanent absence of any Magistrate, a new appointment will be made for the remainder of the term.

When, at the time of replacing a Magistrate, the respective substitute is absent, one of the others, who will be selected by means of lot, will act for the latter.

ART. 166. To be a Magistrate of the Supreme Court of Justice it is necessary:

1st. To be a Panamanian by birth or by adoption with more than fifteen years of residence in the Republic.

2nd. To be more than thirty-five years of age.

3rd. To be in full enjoyment of civil rights.

4th. To be a graduate in law; and

5th. To have completed a term of ten years during which he has exercised the profession of attorney or the offices of magistrate, Attorney General of the Nation, prosecutor of a superior tribunal, circuit judge, or professor of law in an official establishment of learning.

The validity of the credential for Magistrate of the Supreme Court of Justice already issued on the entrance into force of this Constitution is recognized.

ART. 167. The guardianship of the integrity of the Constitution is confided to the Supreme Court of Justice. In consequence, in addition to the powers that the latter and the laws may confer upon it, it will have that of deciding definitively, after hearing the Attorney General of the Nation, on the acceptability of bills that may have been objected to by the Executive as unconstitutional by reason of substance or of form and on that of all laws, decrees, agreements, resolutions, and other acts brought before it by any citizen and for the same reasons.

The Court will also decide if a constitutional amendment is acceptable when the Executive objects to it because of its enactment not having been adjusted to the standards fixed in Article 256.

Every official charged with imparting justice who, on studying any case, considers that the legal provision or the applicable regulation is unconstitutional, will consult with the Supreme Court of Justice before deciding, in order that the latter may resolve the point.

Decisions issued by the Supreme Court of Justice in the exercise of the power that this article confers upon it are final, definitive, and obligatory and must be published in the *Gaceta oficial*.

ART. 168. Incumbent Magistrates may not discharge any other public office

during the term for which they have been appointed, except that of professor for the instruction of law in establishments of university education.

ART. 169. Magistrates and judges in the tribunals and courts that the law establishes will be appointed by the Supreme Court of Justice or by the tribunal or judge immediately superior in hierarchy, in accordance with what is provided in Title XII.

ART. 170. Magistrates and judges are independent in the exercise of their functions and are subject only to the Constitution and the law. But inferior magistrates are obliged to respect and comply with the decisions that their hierarchical superiors may make, revoking or amending, by virtue of legal appeals, the decisions uttered by the former.

ART. 171. Magistrates and judges will not be removed or suspended in the exercise of their offices except in the cases and with the formalities that the law provides.

ART. 172. Offices of the judicial branch are incompatible with any other remunerated office, except for what is provided in Article 168, with the practice of attorneyship or of trade, and with all participation in politics, except the casting of a vote in elections.

ART. 173. The law will indicate the remuneration of magistrates, judges, and other judicial officials and employees, which may be altered at any time; but the alteration may take effect only two years after being decreed.

The salaries and remuneration of the Magistrates of the Supreme Court of Justice will not be less than those of the Ministers of State.

All elimination of offices in the judicial department will be made effective on the completion of the corresponding term.

ART. 174. Magistrates and judges may not be detained or arrested except by virtue of a written order from a judicial authority competent to judge them.

ART. 175. Trial by jury is instituted. The law will determine the cases that must be decided by this system.

ART. 176. The administration of justice is free. The law will guarantee the effectiveness of this precept.

CHAPTER II

The Public Ministry

ART. 177. The Public Ministry will be exercised by an Attorney General of the Nation, by prosecutors and attorneys, and by the other officials whom the law designates. Each official of the Public Ministry will have two substitutes who will replace him, in their order, in temporary absences and in permanent absences while the vacancy is being filled.

ART. 178. Powers of the officials of the Public Ministry are:

1st. To defend the interests of the Nation, of the Province, or of the district, as the case may be.

2nd. To promote the fulfillment or execution of the laws, judicial decisions, and administrative provisions.

3rd. To supervise the official conduct of public officials and employees and to see to it that all may faithfully discharge their duties.

4th. To prosecute offenses and violations of constitutional or legal provisions.

5th. To serve as juridical counselors to the administrative officials of their jurisdiction.

ARR. 179. The same requirements are necessary to be Attorney General of the Nation as to be a Magistrate of the Supreme Court of Justice.

ARR. 180. The term of the Attorney General of the Nation will be ten years and the term of the prosecutor of the tribunal of administrative litigation will be six years.

ARR. 181. Special functions of the Attorney General of the Nation are:

1st. To prosecute before the Supreme Court of Justice the officials whose judgment belongs to this body.

2nd. To see to it that the other officials of the Public Ministry faithfully discharge their offices and that responsibility is required of them for the offenses or crimes they may commit; and

3rd. To appoint and remove freely the employees under its immediate dependence.

ARR. 182. The same provisions that Articles 168, 171, 172, and 174 establish for judicial officials shall govern with respect to officials of the Public Ministry.

That which is provided in Article 173 will be applied, furthermore, to the Attorney General of the Nation.

ARR. 183. The Attorney General of the Nation and his substitutes will be elected by the National Assembly. Other officials of the Public Ministry will be appointed by the official immediately superior in hierarchy, in accordance with what is provided in Title XII.

TITLE VIII

The Provinces

ARR. 184. In each Province there will be a governor, of the free appointment and removal of the Executive, who will be the agent and representative of the latter before the municipalities of his district.

The law will determine the functions and duties of the governors.

ARR. 185. The Provinces will include the number of municipalities that the laws provide.

TITLE IX

Municipal Organization

ARR. 186. The State rests on a community of autonomous municipalities. A municipality is the political organization of the local community, estab-

lished in a territory determined by relations of neighborhood and with economic capacity sufficient to maintain its own government under adequate conditions.

Municipal organization will be democratic and will correspond to the essentially administrative character of local government.

ART. 187. Municipalities must co-operate with the national Government for the realization of the social well-being.

ART. 188. Municipal authorities have the duty of complying with and causing compliance with the Constitution and laws of the Republic, the decrees and orders of the Executive, and the decisions of the tribunals of ordinary and administrative justice.

ART. 189. No municipal official may be suspended or removed by the national administrative authorities. Mayors are excepted when their appointment belongs to the executive branch.

ART. 190. It is the obligation of the municipalities to contribute to the promotion and sustaining of education and embellishment. The law will indicate the portion of municipal revenues that must be assigned to these purposes, which must be expended in the respective district.

ART. 191. The State will provide municipal management when the latter may be insufficient in cases of epidemic, grave disturbances of the public order, or other reasons of general interest, in the form that the law determines.

ART. 192. The territory to which the action of a municipality is extended is denominated a district. There will be in each district a body that is denominated the municipal council, composed of the number of members that the law determines, who shall be elected by direct, popular vote for a term of four years.

Aliens with four years of continuous residence in the respective district, or with a residence of two years if they are married to nationals, or if they have Panamanian children in the same, are electors in the elections for councilors and are eligible to the councils. Representation of alien units in the municipal bodies may in no case include more than one-fifth of the total of the members of the latter.

ART. 193. Two or more municipalities may, by popular initiative and by means of the vote of the respective councils or commissions, request their incorporation as a single one or to be associated for purposes of common benefit. The law will establish the corresponding procedure.

Municipalities of a Province may, with similar requirements, unify their organization, establishing a common treasury and fiscal administration. An intermunicipal council or commission, the composition of which will be determined by law, may in this case be created.

ART. 194. Councilors may be retired from their offices for abandoning their duties or for bad conduct in the exercise of the same. The law will establish the procedure that will be followed in these cases.

ART. 195. Citizens have the right of initiative and of referendum in matters ascribed to the councils.

ART. 196. When municipalities so decide by means of a plebiscite, the law may provide that they shall be governed by a system of commissions, the members of which will be specialized in the branches of economic-social activity that the law itself establishes.

ART. 197. The commissioners will be elected directly by the people for a term of four years and may be re-elected.

ART. 198. The commission will exercise all of the powers of the municipal councils and will have the same guarantees and responsibilities established for those.

ART. 199. There will be in each district a mayor, chief of the municipal administration, and two substitutes. The law will establish whether the Executive appoints them or they are elected by direct, popular vote.

When their election is made by popular vote the following rules will be followed:

1st. The term will be of four years.

2nd. The same person may not be elected for more than two consecutive terms; and

3rd. Relatives, within the fourth degree of consanguinity or the second of affinity, of a person who may have exercised the mayorship during one term or part of another consecutively, may not be elected for the term immediately following.

ART. 200. Mayors will have, in addition to the duties that Article 188 establishes, the following powers:

1st. To co-operate with the council for the good progress of the municipal administration and to present ordinances, especially those of the budget of revenues and expenditures.

2nd. To ordain the expenditures of the local administration, in conformity with the budget and accounting regulations.

3rd. To appoint and remove freely the municipal employees whose designation does not belong to any other authority, subject to what is provided in Title XII, on the administrative career; and

4th. To promote the progress of the municipal community and to see to it that municipal employees efficiently perform their functions.

ART. 201. The mayor as well as the commissioners will receive a remuneration from the municipal treasury that may be altered at any time; but neither an increase nor a diminution will have any effect except after a new election. In order to increase it, it will be necessary that municipal revenues shall have also increased during the last two years.

ART. 202. The ordinances, resolutions, and other acts of the municipal council, the commissioners, or the mayors, when the latter may be elected by popular vote, may be suspended or annulled only by competent tribunals. The

pertinent action may be promoted by any citizen or official who considers that the act impugned is contrary to the Constitution or the law.

The law will establish the recourses that may be interposed against the acts and decisions of the mayors.

ART. 203. The term of the councilors and mayors will begin September 1st. Elections for the filling of said offices will be effected on a date distinct from that of Deputies and Presidents and Vice-Presidents of the Republic.

ART. 204. There will be a treasurer in each district, elected by the council, for a term that the law will determine, and who will be chief of the office or department of collection of municipal revenues and of the disbursing office.

The law will provide that in those districts the revenues of which reach a sum that it determines an auditing office or department will function under the charge of an official who will be appointed by the office of the Comptroller General of the Republic.

ART. 205. Taxes that do not have their incidence outside of the district are municipal, but the law may establish exceptions in order that specified taxes may be municipal notwithstanding having that incidence. The law will establish a just separation of national and municipal revenues and expenditures, divided on that basis.

ART. 206. The State may not grant exemptions from municipal fees or taxes.

ART. 207. By means of legal authorization from the National Assembly and the previous favorable opinion of the office of the Comptroller General of the Republic, municipalities may contract loans to accomplish material works or enterprises of an economic character or of social welfare that cannot be paid for with the common funds of the treasury. The service of said debt may not absorb more than twenty per cent of the ordinary revenues of each fiscal year.

TITLE X

Public Finance

ART. 208. The following belong to the State:

1st. Properties existing in the territory that under any title belonged to the Republic of Colombia.

2nd. Equities or shares that the Republic of Colombia possessed as owner, inside or outside of the country, by reason of the sovereignty that it exercised over the territory of the Isthmus of Panama.

3rd. The properties, revenues, estates, securities, equities, and shares that belonged to the former Department of Panama.

4th. Unoccupied and free lands.

5th. The subsoil, which may be the object of concessions for the exploitation of its wealth, according to what is established by law.

Mineral property granted and not exploited within the period fixed by law will revert to the State.

6th. Salt pits, mines, and beds of all kinds cannot be the object of private appropriation, but they may be granted in usufruct to natural or juridical persons, in accordance with the law, all without injury to legitimately acquired rights.

7th. Documents relative to national history. When these may belong to private individuals they may be expropriated in the form that the law determines.

8th. Indigenous treasures, the exploration and exploitation of which will be regulated by law.

ART. 209. The following belong to the State and are for public use and, consequently, may not be the object of private appropriation:

1st. The territorial sea and lacustrine and river waters; the beaches and shores of the same and of navigable rivers and ports and inlets. All these properties are of free and common utilization, subject to the regulation that the law establishes.

2nd. The lands and waters intended for the public service of all kinds of communications.

3rd. The lands and waters intended or that the State designates for the public service of irrigation, hydroelectric production, drainage, and aqueducts.

4th. The aerial space and the submarine continental platform belonging to the national territory; and

5th. The other properties that the law defines as for public use. *

In all cases in which properties of private ownership may be converted by legal provision into properties for public use, the owner of them will be indemnified.

ART. 210. The present owners of the properties included in Clauses 5 and 6 of Article 208, with respect to which legitimately acquired rights of property exist at the time of the entrance into force of this Constitution, will retain *dominium utile* during twenty years under the terms indicated in the laws under which the acquisition was effected, but said property will revert to the State without indemnification. The said twenty years having expired, the proprietors may retain *dominium utile* under the conditions that the laws may prescribe.

ART. 211. Concessions for the exploitation of the subsoil, lands, and forests, and for the utilization of waters, means of transport, and other enterprises of public service will be inspired by the social well-being.

ART. 212. All artistic and historical wealth of the country, whoever may be its owner, constitutes the cultural treasure of the Nation and is under the guardianship of the State, which may prohibit its destruction, transmission, or exportation, regulate its alienation, and decree expropriations that it considers necessary for its defense, indemnifying its owners.

It is the duty of the State to protect the native artistic patrimony and to preserve folklore traditions in their diverse artistic and literary expressions by means of the action of the school and of agencies of investigation that make use of scientific methods.

ART. 213. The power of emitting money belongs to the State, which may transfer it, with respect to fiduciary money, to official or semi-official banks of emission, in the form that the law determines.

ART. 214. There shall be no paper money of forced tender in the Republic.

ART. 215. The law will create and regulate official or semi-official banks that function as autonomous entities protected by the State, and will determine the subsidiary responsibilities of the State with respect to the obligations that those banks may contract.

ART. 216. The State will endeavor, up to where it may be possible within the need of contriving public funds and of protecting national production, to see that all taxes bear on the taxpayer in direct proportion to his economic capacity.

ART. 217. No indirect tax or increase of the same will begin to be collected until sixty days after the promulgation of the law that establishes the tax or the increase.

The national government, through the action of the office of price regulation or the official agency that substitutes for it, will, in all cases, take appropriate measures in order that the application of the preceding article does not react to the injury of the consumer.

ART. 218. Official monopolies on articles imported or that are not produced in the country may be established by law as a financial expedient.

On establishing a monopoly by virtue of which any person is deprived of the exercise of a lawful industry or business, the State will previously compensate the persons or enterprises the business of which may have been expropriated under the terms to which this article refers.

ART. 219. No public expenditure may be made that has not been authorized in accordance with the Constitution and the law.

Neither may any credit be transferred to an object not anticipated in the respective budget.

ART. 220. All receipts and disbursements of public treasuries must be included and authorized in the respective budget of revenues and expenditures. No receipts from taxes that the law has not established will be taken and no disbursements not anticipated in the budget will be paid.

ART. 221. When the National Assembly is in recess and an essential disbursement must be made, the item for which turns out to be insufficient or which has not been voted, a supplemental or extraordinary credit may be opened by the respective ministry. For such purpose, the Cabinet Council will request the opinion of the Comptroller General of the Republic on the practicability and appropriateness of said credit and will place the matter

under the jurisdiction of the permanent legislative committee in order that the latter, by a majority of votes, may approve or disapprove it.

All those who participated in the matter will be responsible for their action.

A file of papers on what has been done in each one of these cases will be prepared and will be sent to the National Assembly for the legalization of the credit that has been enacted. When the Assembly disapproves any of them, the matter will pass to the Supreme Court of Justice in order that it may decide on the validity of the credit voted and on the consequent responsibilities in case of invalidation.

ART. 222. The execution or repair of national works, purchases that are made with the funds of the State, of their autonomous or semi-autonomous entities, or of the municipalities, and the sale or lease of properties belonging to the same will be made by means of public bidding, save for the exceptions that the law determines.

The law will establish the measures that will assure in every bidding the greatest benefit to the State and full justice in the adjudication.

ART. 223. There will be an independent department in the executive branch denominated the office of the Comptroller General of the Republic, the purpose of which is that of supervising, regulating, watching over, and controlling the motions of the public treasuries and that of examining, verifying, revising, and auditing the accounts of the same. The office of the Comptroller will not exercise administrative functions that are not those inherent to its internal organization.

An official who is denominated Comptroller General of the Republic will exercise the direction of this department, assisted by a Subcomptroller General, both of whom will be appointed by the National Assembly for a term that will begin November 1st every four years, within which they may not be suspended or removed except by the Supreme Court of Justice by virtue of causes defined in the law.

The Comptroller General as well as the Subcomptroller General will be responsible before the National Assembly

ART. 224. The following are functions of the office of the Comptroller General of the Republic, in addition to those indicated by law in conformity with the preceding article:

1st. To carry the general accounts of the Nation, including those of the public internal and external debt.

2nd. To establish accounting methods for all national, provincial, and municipal dependencies and the form of rendering accounts by the managing employees.

3rd. To direct and arrange national statistics.

4th. To request from the appropriate officials information on the official management of public national, provincial, municipal, autonomous, and semi-autonomous entities.

5th. To audit and close the accounts of responsible officials of all public treasuries and of autonomous and semi-autonomous entities.

6th. To appoint the employees of its department, in accordance with the law.

7th. To inform the executive branch of the financial status of the public administration and to issue opinions on the practicability or appropriateness of the enactment of supplemental or extraordinary credits; and

8th. To render a report of its activities to the National Assembly within the first ten days of sessions of each regular legislative term.

TITLE XI

National Economy

ART. 225. The exercise of economic activities belongs primarily to private individuals. But the State will orient, direct, regulate, substitute, or create them, according to the social needs and within the standards of the present title, for the purpose of increasing the national wealth and of assuring its benefits to the greatest possible number of the inhabitants of the country.

ART. 226. To accomplish the purposes with which the preceding article deals, the law will provide that the following measures may be taken:

1st. To create committees of technicians or specialists in order that they may study the conditions and possibilities of trade, agriculture, and industry and may formulate recommendations for developing them.

2nd. To prompt the creation of private enterprises that may function in accordance with the recommendations mentioned in the preceding clause, providing economic participation in said enterprises, by means of autonomous or semi-autonomous entities or by premiums or subsidies, only while it may be necessary for supplying private capital and within the limits and conditions that the law fixes.

While autonomous or semi-autonomous entities devoted to the specific purposes of which the preceding paragraph speaks do not exist, the economic co-operation of the State will be authorized in each individual case by the National Assembly, and, in recess of the latter, by the Executive with the approval of the permanent legislative committee.

3rd. To create a council of national economy in order that it may advise the Legislature and the Executive in that which relates to the orientation and development of the national economy.

4th. To found credit institutions especially designed to give facilities to small merchants, farmers, and manufacturers; and

5th. To establish theoretical and practical centers for instruction in trade, agriculture, business, and the arts, including in these last the manual arts, and for the education of specialized industrial workers and foremen.

ART. 227. The State will intervene in any kind of private enterprise, under

the regulations that the law may establish, exclusively in order to cause compliance with the ends of social justice to which Chapter 3, Title III of the present Constitution refers. It will intervene in the same form, moreover, in private enterprises of public utility for the following purposes:

1st. To regulate, by means of special agencies, the rates of the services and the prices of articles of prime necessity.

2nd. To require a proper efficiency in the services and an adequate quality in the articles mentioned in the preceding paragraph.

3rd. To co-ordinate the services and the production of the articles.

The law will define enterprise of public utility and articles of prime necessity.

ART. 228. The State will create, by means of autonomous or semi-autonomous entities or by other adequate means, enterprises of public utility that have not been established by private activity. In similar form, it will assume ownership, by means of expropriation and indemnification, of enterprises of public utility belonging to private individuals, when it may thus be necessary for the collective well-being, provided that in each case the law so authorizes it.

ART. 229. Development and supervision of co-operatives of production and consumption is the duty of the State, and for such purposes it will create the institutions that may be necessary.

ART. 230. Cultivation of the soil is a duty of the proprietor to the community and will be regulated by law in order that the utilization of the land may not be prevented or monopolized.

ART. 231. No foreign Government or foreign official or semi-official entity or institution may acquire ownership over any part of the national territory.

ART. 232. No foreign natural or juridical person or national juridical person, the capital of which may be foreign in whole or in part, may acquire ownership of national or private lands situated less than ten kilometers from the frontiers or ownership of islands that are under the jurisdiction of the Republic. Nevertheless, acquired rights at the entrance into force of this Constitution will be respected; but the corresponding properties may be expropriated at any time by means of payment of the appropriate indemnification.

ART. 233. There will be no property that is not of free alienation, or irredeemable obligations, except for what is provided in Article 60. Nevertheless, temporary limitations on the right of alienation and the conditions or manner that suspend or retard the redemption of obligations will be protected up to a maximum period of twenty years.

ART. 234. Only the following may carry on retail trade:

1st. Panamanians by birth.

2nd. Individuals who, on the entrance into force of this Constitution,

are naturalized and may be married to a Panamanian national or may have children by a Panamanian national.

3rd. Panamanians by naturalization who are not covered in the preceding case, after five years from the date on which they have obtained their final letter.

4th. Panamanians by naturalization, not included in the preceding clauses, who, on the date of the entrance into force of this Constitution, were carrying on retail trade in accordance with the law, and aliens who are under the same circumstances.

5th. Juridical persons formed by Panamanians or by aliens empowered to carry it on individually in accordance with this article, and also those who, without being constituted in the form here expressed, may legally carry on retail trade at the moment of the entrance into force of this Constitution. Aliens not authorized to carry on retail trade may, nevertheless, have participation in those companies that sell products manufactured by themselves.

Nationals of those States that may have enterprises or organizations in the Isthmus of Panama in which are found facilities for Panamanians to obtain work may carry on retail trade, provided that such nationals are legally settled in territory under the jurisdiction of the Republic.

By carrying on retail trade is meant the devotion to the sale to the consumer or the representation or agency of production or mercantile enterprises or any other activity that the law may classify as belonging to said trade.

Cases in which the farmer or the manufacturer in manual industries sells his own products are excepted from this rule.

The law will establish a system of supervision and sanctions in order to prevent those who, in accordance with this article, may not carry on retail trade from doing it by means of intermediary persons or in any other fraudulent form.

ART. 235. By wholesale trade is understood that which is not included in the preceding provision and which may be carried on by any natural or juridical person. The law may, nevertheless, when the necessity of protecting wholesale trade carried on by Panamanians exists, restrict the carrying on of said trade by aliens. But the restrictions will not in any case injure aliens who are legally carrying on wholesale trade at the entrance into force of the corresponding provisions.

On the restricting of wholesale trade, citizens to whom the second part of Clause 5 of the preceding article refers may continue carrying it on.

ART. 236. Every combination, contract, or action whatever that tends to restrict or disable free trade and competition and which may have the effects of monopoly, to the injury of the public, is prohibited in trade and industry.

The practice of a single natural or juridical person operating a series or

chain of retail mercantile establishments, in a form that may be ruinous or tend to eliminate the competition of the small merchant or manufacturer, belongs to this class.

There may be popular action to charge before the tribunals the formation of any company or syndicate or the negotiation of any combination, contract, or action that may have as its object the establishment of monopoly practices. The law will regulate this matter.

ART. 237. The law will regulate hunting, fishing, and the exploitation of forests, taking especial care to protect and preserve the fauna and flora of the country.

ART. 238. The exploitation of games of chance and hazard and of activities that may give rise to wagers may be effected only by the State.

The law will regulate the games as well as all activity that may give rise to wagers, whatever may be their system.

ART. 239. There may be no private monopolies.

TITLE XII

The Administrative Career

CHAPTER I

Fundamental Provisions

ART. 240. Public officials and employees will be of Panamanian nationality, except for what is provided in this Constitution.

The appointment and removal of officials and employees is not an absolute and discretionary power of any of the agencies of the public authority, except for what this Constitution provides in that respect. The service of the State must have as a basis the competence and morality of the official or employee and his irremovability, except for removal for cause determined in the law and declared by the tribunals.

CHAPTER II

The Administrative Career

ART. 241. The administrative career is established in conformity with the following principles:

1st. Officials are in the service of the State and not of a party or political community.

2nd. Proselyting activity will be unlawful in the places and hours of work and, as such, it will be punished by law.

3rd. The law will determine the conditions of entrance into the administration by the method of examination of antecedents, credits for studies made, and theoretical and practical examinations, according to the nature

of the office that is involved; the duties of officials or employees and the appeals against decisions that may affect them.

It will establish, furthermore, the rules relative to permanence, promotion, suspension, transfer, removal, and pensioning.

The aspirant who, in equality of circumstances, with respect to capacity and probity, proves that he is in a greater state of economic need, will be preferred in the competition.

4th. No investigation into irregularities, omissions, and offenses will be considered concluded while the accused person cannot present his answers and interrogate his defense.

ART. 242. The following do not form part of the administrative career:

1st. Officials whose appointment must be made in conformity with the precepts of this Constitution.

2nd. Subordinate officials and employees of the presidency of the Republic.

3rd. Secretaries of the ministries and the personnel immediately assigned to the personal offices of the Ministers.

4th. Chiefs of diplomatic missions of the Republic.

5th. Governors of Provinces and mayors of districts.

6th. Commandants of the body of national police.

7th. The secretary, assistant secretaries, and *rapporteurs* of the National Assembly.

8th. The chief of national posts and telegraphs.

9th. The Administrator General of internal revenues.

10th. Chiefs of autonomous and semi-autonomous departments.

11th. Attorneys and other technicians who are necessary for the special or transitory services of the ministries and of the autonomous and semi-autonomous institutions; and

12th. Workers in instruction, in the public force, in national or municipal works, and in other analogous departments who are governed by a special, organic statute.

CHAPTER III

The Judicial Career

ART. 243. The judicial career is instituted.

The law will regulate it in accordance with the principles settled for the administrative career in Articles 241 and 242. The office of Magistrate of the Supreme Court of Justice is excepted from this provision; it shall be filled in conformity with Article 165. There are excepted, furthermore, officials, clerks, and porters in the service of the magistrates and judges, who are of their free appointment and removal.

CHAPTER IV

General Provisions

ART. 244. Prohibitions that this Constitution establishes in its Article 117 for Deputies will be applied to officials with power and jurisdiction in all of the Republic with regard to the departments of which they are the immediate directors or chiefs. These prohibitions will also be applied to municipal officials within the respective district.

ART. 245. There will not be any office or employment in the Republic that does not have functions detailed in the law or regulations.

ART. 246. No public employce may receive two or more salaries paid by the Nation, except for special cases related to national education.

ART. 247. When, in extraordinary cases, a general reduction of the salaries of public employees may be necessary, that which is provided in Article 116, 147, and 173 of this Constitution will have no application.

TITLE XIII

The Public Force

ART. 248. All Panamanians are obliged to take up arms when public need may require it for the defense of national independence and of the territorial integrity of the Nation, with the exception indicated in Article 17.

ART. 249. The law will organize separately the military service and that of the national police.

ART. 250. The public force is not deliberative. It may be assembled only by order of the legitimate authorities, and may not direct petitions except on matters that are related to the service, in accordance with the law.

ART. 251. Only the Government may possess arms and the elements of war. The previous permission of the Executive will be required for their manufacture, importation, and exportation. The Legislature will define arms that need not be considered as of war and will regulate their importation, manufacture, and use.

TITLE XIV

Jurisdiction of Administrative Litigation

ART. 252. A tribunal of administrative litigation is established in the capital of the Republic, the jurisdiction of which will include the whole country. This tribunal will function with independence of the executive and judicial branches.

The jurisdiction of administrative litigation has as its object the revision of the acts, decisions, orders, or provisions of all national, provincial, and municipal officials and those of public autonomous or semi-autonomous

entities, in the exercise of their functions or on pretext of exercising them.

Persons affected by the act, decision, order, or provision that is involved, and, in the exercise of popular action, any natural or juridical person, national or foreign, in any case in which the administration may have become liable for damage contrary to law, may demand revision.

The tribunal will exercise its competence in the acts foreseen in this article, now voiding the acts charged with illegality, now re-establishing the violated private right or ordaining new provisions in substitution for those impugned, now pronouncing pre-judicially with regard to the sense and extent of an administrative act or its legal value.

ART. 253. The same qualifications are required to be a magistrate of the tribunal of administrative litigation as to be a Magistrate of the Supreme Court of Justice.

ART. 254. The tribunal of administrative litigation will be composed of three magistrates, appointed one each two years for a term of six years, which will begin November 1st.

The appointment of a magistrate will be made by the Executive, as is established in Clause 18 of Article 144. Each magistrate will have a substitute appointed for the same term, who will replace the incumbent in his temporary absences and in his permanent absences while the vacancy is being filled.

In case of the permanent absence of any magistrate an appointment will be made for the remainder of the term.

When, at the time of replacing a magistrate, the respective substitute is absent, one of the others, who will be chosen by lot, will act for the latter.

ART. 255. That which is provided in Articles 168, 171, 172, 173, 174, and 243 will be applied to the magistrates of the tribunal of administrative litigation.

TITLE XV

Amendment of the Constitution

ART. 256. This Constitution may be amended only by a legislative act enacted by the National Assembly in regular session, which must be published and transmitted by the Executive to the Assembly in the first regular session following the elections for the renewal of the Assembly, so that it may be newly debated and approved by an absolute majority of the Deputies who compose it.

The Executive may object to an amendment only when he receives it for its promulgation after the debates of the second regular Assembly.

Final Provisions

ART. 257. All laws that may be contrary to this Constitution are repealed. All laws, legislative decrees, decrees, regulations, orders, and other provi-

sions in effect at the promulgation of this Constitution will continue in effect in so far as they are not opposed to it or to the laws that may be enacted in the future.

ART. 258. This Constitution will begin to govern, for the agencies of the State on the day on which it is sanctioned, and for the Nation fifteen days after its publication in the *Gaceta oficial*. This publication will be effected within the three days following the date of its sanction.

Transitory Provisions

ART. 259. The National Assembly will enact a labor code inspired by the principles enunciated in this Constitution and by international conventions that govern in the matter. This code will be enacted in preference to any other.

ART. 260. The Constituent Assembly will, on the date of the signing of this Constitution, be converted into a Legislative Assembly and will exercise the corresponding functions until September 30th, 1948.

The Assembly dealt with in the preceding paragraph will have a period of regular sessions of ninety working days, reckoned from May 15th of the present year, during which it will enact the electoral law, the budget of revenues and expenditures for the period included between July 1st and December 31st, 1946, the law of public works, the labor code, and other necessary laws. On completing the ninety days of regular sessions and until the first National Assembly that will be elected in conformity with this Constitution is convened, the National Constituent Assembly will return, converted into a Legislative Assembly, to exercise the corresponding functions when it may be called in extraordinary session by the Executive.

ART. 261. Elections for Deputies to the National Assembly and for President and Vice-President of the Republic will be effected during the year 1948, on a date that the law will indicate, and which will be at least three months prior to October 1st of said year.

ART. 262. The President of the Republic and the Vice-Presidents elected with a provisional character by means of Resolution Number 2 of the Constituent Assembly, on June 15th, 1945, will continue in the exercise of their functions until October 1st, 1948, within the terms of this Constitution, which they will swear to on the date of the sanctioning of the same.

ART. 263. The first term of the Supreme Court will begin November 1st, 1946. The appointment of the Magistrates and substitutes who will begin their functions on that date will be made by the Executive within the first fifteen days of the month of May, 1946, and will be approved or disapproved by the National Assembly within the fifteen days following. Said Magistrates and their substitutes will continue in their offices thus:

The first, ten years; the second, eight years; the third, six years; the fourth, four years; and the fifth, two years.

ART. 264. The first term of the Attorney General of the Nation and his substitutes will begin November 1st, 1946, and the election of the same will be made by the National Assembly, at the latest, by May 30th of the year mentioned.

ART. 265. The first elections for municipal councilors and mayors following the promulgation of this Constitution will be held in the year 1948, not less than three months before September 1st of said year. The Executive will make appointments, in conformity with what is provided by the administrative code, to compose the municipal councils that will function until that date.

ART. 266. Mayors who belong to the first of the periods dealt with in Article 199 will be elected by direct, popular election.

ART. 267. The first term of the Comptroller and Subcomptroller General of the Republic will begin November 1st, 1946, and the election of the same will be held within the first fifteen days of the sessions referred to in Paragraph 2 of Article 260. The law will determine the date of election of said officials for the following terms, taking care that the same Assembly may hold only one election.

ART. 268. All contracts in force at the date of enactment of this Constitution in regard to games of chance and hazard and activities that may give rise to wagers, will immediately cease in their effects.

ART. 269. Within the three months following the promulgation of this Constitution, the Executive will designate a civil service organizing commission, which will be advised by one or more technicians of recognized capacity.

ART. 270. The first term of the tribunal of administrative litigation will begin October 1st, 1946. The appointment of the magistrates who will enter into their functions on that date will be made by the Executive within the first fifteen days of the month of May, 1946, and will be approved or disapproved by the Assembly within the fifteen days following. Said magistrates will continue in their offices thus: the first, six years; the second, four years; the third, two years.

ART. 271. The National Constituent Assembly, before adjourning its sessions, will elect the permanent legislative committee dealt with in Article 122. This committee will continue in its functions until September 30th, 1948, and will be formed at the ratio of one incumbent Deputy and one substitute for each one of the parties represented in the body.

Given in Panama, in the Hall of Sessions of the second National Constituent Assembly, March 1st, 1946.

Paraguay



PARAGUAY'S bloodless revolution from Spain in 1811 was followed by the convening of a constituent assembly, meeting the same year. Dr. José Gaspar Rodríguez de Francia, who as secretary of the convention dominated its labors, began the drafting of a constitution. This document, formally dated October 12, 1813, provided for a government revolving around two coequal "consuls of the republic," each of whom should control half of the military force and who should alternate in control of the executive branch of the government. Francia manipulated the situation in such a way that by 1816 he emerged in complete control of the government; he then continued an arbitrary dictatorship until his death in 1844. During this period the government of Paraguay was virtually extra-constitutional in character.

A modified constitution was adopted on March 16, 1844. It provided for a president to be chosen by the congress for a ten-year term and supplemented the inadequate governmental machinery created by the constitution of 1813. Despite the apparent constitutionalization of political offices, the new basic law did not succeed, however, in preventing the continuance of an effective dictatorship for a quarter of a century longer.

Following the disastrous war of 1865-70, in which the Paraguayan nation was practically annihilated by the forces of Argentina, Brazil, and Uruguay, a new constitution was adopted, dating from November 25, 1870. This constitution established the Paraguayan government on more modern and orthodox lines under a president (now to be chosen by popular vote) serving for a five-year term. The present constitution of Paraguay was signed on July 10, 1940, and was approved by a national plebiscite on August 4 of that year. Its chief innovation was the provision for a unicameral congress.

Constitutional revision was under consideration in Paraguay at the end of 1946.

CONSTITUTION OF THE REPUBLIC OF PARAGUAY

The Paraguayan Nation, under the protection of Almighty God, Supreme Ruler of the Universe, with the purpose of assuring justice, preserving domestic tranquillity, providing for the national defense, promoting the welfare and the progress of the Republic, and making lasting the benefits of liberty for its children, ordains, decrees, and establishes this Constitution.

General Declarations

ARTICLE 1. Paraguay is and always shall be free and independent, is constituted in a Republic one and indivisible, and adopts the democratic, representative form for its Government.

ART. 2. Sovereignty resides essentially in the people, who delegate its exercise to the authorities created by this Constitution.

ART. 3. The religion of the State is the Roman Catholic Apostolic, but other faiths, which may not be opposed to morality and the public order, are tolerated. The head of the Paraguayan Church and the bishops must be native-born citizens.

ART. 4. This Constitution, the laws that may be enacted in consequence of it, and the treaties with foreign Nations, are the supreme law of the Nation.

ART. 5. The city of Asunción is the capital of the Republic and the seat of the powers of the State.

ART. 6. The principles, guarantees, obligations, and rights, proclaimed by this Constitution, may not be altered by the laws that may regulate its exercise. Any law, decree, or regulation that may be in violation of the provisions of this Constitution is null and without effect.

ART. 7. Equality is the basis of public taxation. The Government provides for the expenses of the State by the proceeds of the imposts, contributions, and assessments created by law, the sale or leasing of public lands, the exploitation of mines, the utilities arising from public services and monopolies under the charge of the State, and loans and other credit operations.

ART. 8. Goods of national production or manufacture shall circulate free of duty within the territory of the Republic. Navigation of the interior rivers is free for all flags, subject to the regulations that the Chamber of Representatives may enact.

ART. 9. The Government shall encourage American and European immigration, and shall regulate the entrance of aliens into the country.

ART. 10. Primary education is obligatory and free. The Government shall develop secondary, professional, and university instruction.

ART. 11. Care for the health of the population, and social assistance, as well as the moral, spiritual, and physical education of youth, are fundamental duties of the State.

ART. 12. The Government shall incline toward security in its relations in peace and trade with foreign Nations by means of treaties that may be inspired in the national interest, and by the principles of public law proclaimed by this Constitution. It shall give especial attention to the policy of collaboration and solidarity among the American peoples.

ART. 13. In no case shall private interests take precedence over the general interest of the Paraguayan Nation. All citizens are obliged to lend their collaboration for the good of the State and of the Paraguayan Nation. The law shall determine in what cases citizens shall be obliged to accept public offices in accordance with their competence.

ART. 14. The exploitation of man by man is outlawed. In order to assure to every worker a standard of living compatible with human dignity, the system of contracts of labor and social insurance, and the conditions of safety and hygiene of buildings, shall be under the watchful and critical supervision of the State.

ART. 15. The State shall regulate the national economic life. It alone has the power of coinage or emission of money, of establishing systems of weights and measures, and of controlling patents. Combinations that may tend toward a monopoly of articles of consumption or the artificial raising or lowering of prices, or obstructing free competition, shall not be permitted. The manufacture and traffic in articles injurious to health and good habits is prohibited. The law shall establish the penalties for acts that violate these principles. The State may, with indemnification, nationalize the public services, and may monopolize the production, circulation, and sale of articles of primary necessity.

ART. 16. The Chamber of Representatives may not grant extraordinary powers to the Executive outside of the prescriptions of this Constitution, nor may it grant him powers by which the life, honor, and property of Paraguayans may be left to the mercy of the Government or of any person.

ART. 17. All superior authorities, officials, and public employees are individually responsible for the offenses and crimes that they may commit in the exercise of their functions, without prejudice to the indirect responsibility of the State, which may be exercised by the law. In no case may they exercise functions foreign to their jurisdiction, and their acts must always be in conformity with the law. Any strike of public officials or any collective abandonment of their duties is prohibited.

ART. 18. The custody and defense of the order and of the sovereignty, the territorial integrity, and the honor of the Republic, as well as the defense of this Constitution, are confided to the armed forces of the Nation. The President of the Republic is the commander-in-chief of the latter but

may delegate actual command of the troops to a general officer. The armed forces of the Nation shall be organized in a permanent form.

Rights, Obligations, and Guarantees

ART. 19. All the inhabitants of the Republic enjoy the following rights, in conformity with the laws that may regulate their exercise: to choose an occupation; to work and to practice any legitimate trade or industry, except for the limitations that, for social and economic reasons of national interest, the law may impose; to assemble peaceably; to petition the authorities; to publish their ideas by the press without prior censorship, provided they refer to matters of general interest; to dispose of their property; to associate with one another for legitimate purposes; to profess their faith freely; to learn and to instruct.

ART. 20. The law shall determine which are the professions that need diplomas for their practice, the conditions that must be fulfilled in order to obtain said diplomas, and the authority that shall confer them. The regulation and inspection of instruction is a charge of the State.

ART. 21. The Constitution guarantees private property, the content and limits of which shall be fixed by law, with reference to its social function. No one may be deprived of his property except by virtue of a decision based on law. Property in any kind of goods may legally be transferred by means of expropriation for reasons of social utility defined by the law, which shall likewise determine the form of the indemnification. The law may fix the maximum extent of lands of which one single individual or legally constituted corporation may be owner, and the excess must be sold at public auction or be expropriated by the State for distribution.

ART. 22. All inhabitants of the Republic are obliged to earn their living by legitimate work. Every Paraguayan home should be located on a piece of owned land.

ART. 23. The civil rights of women shall be regulated by law, taking heed of the unity of the family, the equality of woman and man, and the diversity of their respective functions in society.

ART. 24. No personal service is mandatory except by virtue of law. Every author or inventor is the owner of his own work, invention, or discovery for the term that the law may decide.

ART. 25. In no case may the death penalty be applied for political reasons, or the penalty of confiscation of property.

ART. 26. No law may have retroactive effect. No inhabitant may be punished except by a prior judgment founded upon some law prior to the violation under prosecution, nor may he be judged by special tribunals. No one may be obliged to testify against himself, nor arrested except by virtue of a written order by a competent authority, or be detained more than twenty-four hours without being informed of the reason for his detention,

or be detained except in his own house or in public places intended for that purpose. The recourse of *habeas corpus* is guaranteed to all inhabitants. The law considers anyone innocent who may not have been declared guilty, or legally suspected of so being by decree of a competent judge. Guilt or dishonor that persons may incur does not affect their relatives.

ART. 27. The defense of the person or rights by trial is inviolable. The domicile, written correspondence, and private papers are also inviolable. The law shall determine in what cases the inviolability of domicile and correspondence may be suspended.

ART. 28. Jails must be sanitary and clean. Punishment by any form of torture, including whipping, is prohibited.

ART. 29. Excessive bond shall not be required, nor shall disproportionate fines be imposed.

ART. 30. Private acts that do not in any way disturb order, violate public morality, or injure third parties are exempt from the authority of the magistrates. No inhabitant shall be obliged to do anything the law does not command him to do, nor shall he be deprived of what the law does not prohibit. The law may authorize the Executive, or specified administrative authorities, to enact general police regulations and to impose appropriate sanctions within the subjects and limits prescribed by the law itself.

ART. 31. The issuing and publication of books, pamphlets, and periodicals shall be regulated by law. Anonymous publication is not permitted.

ART. 32. The State shall oversee and regulate the organization, the functioning, and the activities of groups or bodies of a public character

ART. 33. The Paraguayan Nation does not admit prerogatives of blood or of birth; there are no personal privileges or titles of nobility. All the inhabitants of the Republic are equal before the law. Nationals are admissible to any employment with no other condition than that of fitness, and aliens are subject to the limitations that the laws may establish. There are no slaves in the Republic of Paraguay.

ART. 34. No person may take justice into his own hands, or employ violence to reclaim his rights. The people do not deliberate or govern except by means of their representatives and the authorities created by this Constitution. Any armed force or assemblage of persons that assumes the rights of the people, and petitions in the name of the latter, commits the crime of sedition.

ART. 35. The liberties that this Constitution guarantees are all of a social character. Exigencies of the public order may limit them in their exercise in the manner and form that the laws may establish. To preach hatred or class conflict among Paraguayans is not permitted.

ART. 36. Aliens enjoy the civil rights of the citizen within the territory of the Republic, in accordance with the laws regulating their exercise; they may practice their industry, trade, or profession; they may own land, be-

queath property, and marry. If they shall make attempts against the security of the Republic or disturb public order, the Government may effect their expulsion from the country, in conformity with the regulatory laws. Aliens shall not be obliged to assume citizenship.

ART. 37. One who joins its enemies, taking up arms or helping them, or who makes attempts of any kind against the independence and security of the Republic of Paraguay, commits treason against the Fatherland.

Nationality and Citizenship

ART. 38. The following are Paraguayans:

- 1st. Those born in Paraguayan territory.
- 2nd. Children of Paraguayans born in foreign territory, the father or mother being there in the service of the Republic.
- 3rd. Children of a Paraguayan mother or father born in foreign territory, by the act of entering Paraguay and residing therein for ten successive years.

Military service is obligatory for citizens, who are likewise obliged to take up arms in defense of the country and of this Constitution.

ART. 39. All citizens have the duty of suffrage on reaching the age of eighteen years, except for the disqualifications of the following article.

ART. 40. Suffrage of a citizen is suspended:

- 1st. For physical or moral ineptitude that may impede his free and reflective action.
- 2nd. By being a soldier, corporal, or sergeant of troops in the infantry, national guard, or police, under whatever rank he may then serve.
- 3rd. By being indicted as a criminal for an action that may merit corporal punishment.

ART. 41. Citizenship is lost:

- 1st. For fraudulent bankruptcy.
- 2nd. By accepting subsidies and pensions, or using distinctions of a foreign Government without the permission of the Executive.
- 3rd. By making directly, or participating in, any attempt against the independence and security of the Republic.
- 4th. By becoming naturalized in a foreign country.

Those who may have lost citizenship for any of the causes mentioned, with the exception of that expressed in Clause 4, may obtain rehabilitation from the Chamber of Representatives.

ART. 42. Aliens may obtain a letter of naturalization from the tribunals of the Republic if they prove to have resided in Paraguay for five consecutive years, if they possess any real estate and invested capital, or if they profess any science, art, or industry. A letter of naturalization is lost by being absent from the country for two consecutive years. Naturalized citizens may exercise all public offices after two years following receipt of the letter of naturalization, except those of President of the Republic, Minister, Coun-

cilor of State, Representative, member of the Supreme Court of Justice, and chief of the army and of the navy.

ART. 43. The Chamber of Representatives may, on the proposal of the Executive, grant honorary citizenship to aliens who have given eminent service to the Republic.

ART. 44. The State guarantees liberty of suffrage. The vote is secret and obligatory. The law shall determine the system of elections. Persons who preach or proclaim electoral abstention lose their rights as citizens without altering their obligations.

The Executive Power

ART. 45. The executive power shall be discharged by a citizen with the title of President of the Republic of Paraguay.

ART. 46. The President of the Republic must be a native-born citizen, must have completed forty years of age, must profess the Roman Catholic Apostolic religion, and meet the moral and intellectual requirements qualifying him to exercise the office.

ART. 47. The President of the Republic shall continue in office five years, and may be re-elected for one more term. His power terminates the same day on which his term expires, unless some event shall have prevented its completion, in which case the term may be completed later. He receives a salary paid by the treasury of the Nation, unalterable during the term of his office, and he may not, during this time, hold other employment or receive any other emolument.

ART. 48. The President of the Republic shall reside in the House of Government.

ART. 49. The President of the Republic shall be elected by direct general election, six months before taking possession of his office.

ART. 50. On taking possession of his office, the President of the Republic shall, at the hands of the president of the Chamber of Representatives, the Representatives, the Councilors of State, and the members of the Supreme Court of Justice being assembled, take an oath in the following terms:

"I, ———, swear before God and the Fatherland, that I will discharge the office of President of the Republic of Paraguay with fidelity and patriotism, and defend the Constitution and see that it is faithfully observed. If I should fail in this duty, may God and the Fatherland demand it of me."

ART. 51. The President of the Republic has the following functions:

1st. He is the supreme head of the State and has under his charge the general administration of the country.

2nd. He issues the instructions and regulations that may be necessary for the execution of the laws.

3rd. He participates in the forming of the laws in accordance with the Constitution, and sanctions and promulgates them.

4th. He has under his charge the handling of the foreign relations of the Republic.

5th. He appoints the members of the Supreme Court with the consent of the Council of State, and those of the tribunal of accounts and the other officials of the administration of justice with the consent of the Supreme Court.

6th. He may commute penalties in accordance with a regulatory law.

7th. He appoints diplomatic agents with the consent of the Council of State, and he alone appoints and dismisses Secretaries of State and other officials of the administration, whose appointment may not be regulated in any other manner by law.

8th. He exercises the rights of national patronage in the Republic in the presentation of archbishops and bishops from the proposal of a panel by the Council of State in agreement with the ecclesiastical senate or the assembled national clergy; he grants or refuses the circulation of decrees of the councils, and the bulls, briefs, and rescripts of the Supreme Pontiff, in agreement with the Council of State and the Chamber of Representatives.

9th. He opens annually the sessions of the Chamber of Representatives, on which occasion he gives an account of the work accomplished by his Government; he prorogues the sessions of the Chamber of Representatives or convokes the latter in extraordinary sessions, in which case the Chamber shall deal only with those matters submitted to its consideration by the Executive.

10th. He sees that the taxes of the Republic are collected and orders their expenditure in accordance with the law of the general budget.

11th. He negotiates and signs treaties of peace, of commerce, of navigation, of alliance, of boundaries, and of neutrality, concordats, and other international agreements, after submitting them to the Council of State and to the Chamber of Representatives for their approval.

12th. He himself confers the military ranks of the Republic, up to the rank of lieutenant colonel, and the superior ranks with the consent of the Council of State and of the Chamber of Representatives; he disposes of the armed forces of the Nation according to the necessities of the Republic, and determines their organization and distribution.

13th. He declares war and re-establishes peace, with the advice of the Council of State and the authorization of the Chamber of Representatives; and

14th. He enacts military regulations.

ART. 52. If some grave threat of internal disturbance or foreign conflict occurs, that may place in danger the operation of this Constitution and the authorities created by it, the President of the Republic may declare a part or all of the territory of the Republic in a state of siege, with the obligation of giving an account thereof to the Chamber of Representatives. During the state of siege, the President of the Republic may order the

arrest of suspected persons. He may also transport them from one part of the Republic to another, except in case they prefer to leave the country. A law shall regulate the application of the state of siege for the defense of order and of the security of the Republic.

ART. 53. The President of the Republic may dissolve the Chamber of Representatives and remove the Councilors of State, with the obligation in the first case of calling elections within a period of two months.

ART. 54. Bills submitted to the Chamber of Representatives by the Executive must be dealt with and disposed of in the course of the sessions of that year. In case they are not disposed of within the aforesaid period they shall be converted into laws. During the parliamentary recess the Executive has the power of enacting decrees with the force of law, with the advice of the Council of State and with the obligation of submitting them to the approval of the Chamber of Representatives in the next regular period of sessions.

ART. 55. To the Executive alone belongs the initiative in the matter of expenses and the recruiting or mobilization of troops.

ART. 56. The Executive shall adopt plans for the redistribution of present populations for economic or social reasons of public health or national defense.

ART. 57. In case of international war, all the authority necessary to assure national defense is concentrated in the President of the Republic.

ART. 58. In case of the resignation, disability, or death of the President of the Republic, the Minister of the Interior shall immediately convoke the Council of State and the Chamber of Representatives in full National Assembly, in order to designate the Minister or official who shall exercise the presidency until the end of the term, unless the resignation, disability, or death should occur within the first two years of the presidential term, in which event the provisional President shall call the people to elections within a period of two months. If the disability should be temporary, the National Assembly shall designate one of the Ministers to exercise provisionally the presidency of the Republic.

The Ministers of the Executive Branch

ART. 59. The dispatch of the affairs of the Republic shall be in charge of the Secretaries of State who shall authenticate and legalize the acts of the President by means of their signatures, without which requisite said acts shall lack effect. The law shall determine the number and the functions of the ministries, which shall not in any case be fewer than five.

ART. 60. To occupy the office of Minister it is necessary to be a native-born citizen, to have reached thirty years of age, and to enjoy a widely accepted reputation for trustworthiness and conversance with public affairs.

ART. 61. Each Minister is responsible for the acts that he legalizes and

is jointly responsible for those that he approves with his colleagues. The Ministers must present to the President of the Republic an annual report of their work, which shall have full publicity. They shall enjoy for their services a salary established by law, which may not be altered either in favor of or in prejudice to those currently exercising office.

The Council of State

ART. 62. There shall be a Council of State, which shall be composed of the Ministers of the executive branch, the rector of the national university, the archbishop of Paraguay, a representative of business, two representatives of the farming and cattle industries, one representative of the manufacturing industries, the president of the Bank of the Republic, and two retired members of the military institutions, one from the army and the other from the navy, with rank not lower than colonel. The manner of designation of the Councilors not holding public office shall be determined by law. The members of the first Council of State shall be designated by the President of the Republic.

ART. 63. Functions of the Council of State shall be:

- 1st. To pass judgment upon drafts of decrees with the force of law.
- 2nd. To pass judgment upon matters of international policy submitted for their consideration by the Executive.
- 3rd. To approve the designation of members of the Supreme Court and of the diplomatic agents to foreign countries.
- 4th. To approve military promotions above the rank of colonel.
- 5th. To pass judgment upon matters of financial and economic concern, for which purpose it may be assisted by technical commissions.

ART. 64. The Councillors of State who are not officials must be native-born citizens, must have reached thirty years of age, and must possess the qualification of publicly recognized experience and trustworthiness. With the exception of the Ministers, the Councillors of State shall enjoy a *per diem* fee by the session.

ART. 65. The Council of State shall be constituted a tribunal for the purpose of judgment of the members of the Supreme Court of Justice.

ART. 66. The Council of State shall designate its president and shall depend upon the personnel fixed by the general budget of expenditures. Its members enjoy parliamentary immunities.

The Chamber of Representatives

ART. 67. The Chamber of Representatives shall be composed of members elected directly by the people, in accordance with the electoral law which shall be opportunely enacted, in a ratio of one for each 25,000 inhabitants.

In the same electoral act a third of the total number of Representatives shall be elected to serve as substitutes for the regular Representatives, in case

of the death, resignation, or disability of the latter, until the completion of the term. The substitute shall also replace the regular Representative in case the latter shall occupy an office in public administration and while he remains in said office.

ART. 68. To be a Representative or a substitute it is necessary to have reached twenty-five years of age, and to be a native-born citizen.

ART. 69. No Representative may take part in enterprises that may exploit public services or that may hold concessions from the State, or exercise the representation of the same.

ART. 70. Representatives continue in the exercise of their offices for five years. The Chamber shall meet in regular session every year from April 1st until August 31st. The Chamber shall be renewed in its entirety every five years.

ART. 71. The Chamber is the exclusive judge of the election, rights, and credentials of its members. It may, by a two-thirds vote, censure any of its members for irregularity of conduct in the exercise of their functions, or may remove them for physical or moral disability and may exclude them from its membership; a majority shall be sufficient to decide upon resignations from office voluntarily offered. The Chamber shall enter into session with the presence of an absolute majority of its members, but a lesser number may compel the absent members to attend the sessions, under the penalty that the law may establish.

ART. 72. The Chamber shall choose its officials, make its own regulations, and designate its employees.

ART. 73. The Chamber of Representatives may request written reports from the Executive upon matters of public interest.

ART. 74. No Representative may be accused, interrogated judicially, or molested for the opinions he may give in the discharge of his office of legislator. From the day of his election until that of his retirement he may not be arrested, except in case of being taken in an offense *in flagrante delicto*. When a prosecution shall take place before the ordinary court against any Representative and shall reach the point of sentence of imprisonment against him, the Chamber, by a two-thirds vote, may suspend the accused from his functions and place him at the disposal of the court for his sentence.

ART. 75. The Representatives, on the occasion of their accession, shall give oath to discharge their office justly, in conformity with what is prescribed by this Constitution, and they shall enjoy a salary that shall be fixed by law. No Minister may exercise representation while he forms a part of the executive branch. Nor may any ecclesiastic, soldier in active service, or salaried employee of the Republic, under any denomination except teachers or university professors, exercise representation.

ART. 76. It is the function of the Chamber of Representatives:

- 1st. To legislate upon municipal organization.
- 2nd. To legislate upon taxes, assessments, and contributions in general.
- 3rd. To authorize the contracting of loans and to legislate upon the banking system.
- 4th. To enact annually the law of the budget of expenditures of the Nation on the initiative of the Executive, and to approve or disapprove accounts of expenditures.
- 5th. To regulate river and aerial navigation.
- 6th. To legislate, on the initiative of the Executive, upon monetary questions.
- 7th. To revise general legislation in keeping with the present needs of the country.
- 8th. To consider international treaties, and to authorize the Executive to make war or conclude peace.
- 9th. To consider bills for temporary concessions prepared by the Executive for the establishment of industries.
- 10th. To grant general amnesties on the initiative of the Executive.
- 11th. To enact military ordinances on the proposal of the Executive, and the law of organization of the tribunals of military discipline.
- 12th. To legislate upon matters of administrative litigation.
- 13th. To permit the entrance of foreign troops into the territory of the Republic, and the departure of the national forces from it.

Formation and Sanction of Laws

ART. 77. All laws, the initiative of which does not belong expressly to the Executive by authority of this Constitution, have their origin in the Chamber of Representatives¹ as bills presented by any of its members.

ART. 78. After being approved by the Chamber of Representatives, a bill shall be submitted to the Executive for consideration, upon whose approval it shall be converted into law. Every bill not objected to by the Executive within a period of ten days shall be considered approved.

ART. 79. A bill completely rejected by the Executive may not again be considered by the Chamber of Representatives in the course of the sessions of that year. If the veto of the Executive shall fall only on a part of the bill, it shall be returned to the Chamber of Representatives. If it is ratified by the Chamber in its original form by a two-thirds vote in two debates, separated by an interval of three days, the bill shall be converted into law.

The Judiciary

ART. 80. The judicial power of the Republic shall be exercised by a Supreme Court composed of three members, and the tribunal of accounts and the other tribunals and inferior courts that the law may establish.

ART. 81. To be a member of the Supreme Court it is necessary to be a native-born citizen, to have reached thirty-five years of age, to possess a university degree of doctor of law, and to be blameless in public and private life.

ART. 82. The members of the Supreme Court and the other judges and magistrates of the Judiciary shall discharge their functions for five years, but the law shall establish the conditions and requisites for the irremovability of judicial magistrates.

ART. 83. The members of the Supreme Court may be removed by a political trial by the Chamber of Representatives before the Council of State, for misfeasance of functions and for constituting a danger to the correct administration of justice. The members of the tribunal of accounts and the magistrates of the tribunals and inferior courts may be tried before the Supreme Court for prevarication, misfeasance of functions, and dishonesty.

ART. 84. The members of the Supreme Court shall be designated by the Executive with the approval of the Council of State. The other magistrates and judges of the Judiciary shall be designated by the Executive with the approval of the Supreme Court.

ART. 85. The tribunal of accounts shall have authority over trials of matters of administrative litigation, and the examination and approval of the accounts of the expenditures of public moneys. The members of the tribunal of accounts shall be appointed by the Executive with the approval of the Supreme Court.

ART. 86. To be a member of the tribunal of accounts it is necessary to be a Paraguayan citizen, to have reached thirty years of age, and to possess a university degree, or to have been a Minister or chief of the financial administration. The law shall establish the means of conferring irremovability upon the members of the tribunal of accounts.

ART. 87. The independence of the Judiciary is guaranteed. It alone may take cognizance of and decide upon acts of a litigious character; its jurisdiction is exclusive as to said acts, although the law may constitute administrative authorities as judges of first instance in matters of administrative litigation. In no case may the President of the Republic or the Ministers or other officials arrogate to themselves judicial functions, or reopen closed cases, or impede existing ones, or intervene in any way in trials. Acts of this kind are irremediably null and void of themselves. No judicial magistrate may be molested for decisions made in the exercise of his functions, or arrested except in case of being surprised *in flagrante delicto*. Any complaint or accusation against them shall be heard exclusively before the Supreme Court. Those who may make attempts against the independence of the judicial magistrates, or hinder them, shall, besides suffering the pen-

alties fixed by the penal code, be disqualified from exercising any public office for five years.

ART. 88. The Supreme Court is the high chamber of justice of the Republic, and in such a character it exercises supervision over all of the tribunals and inferior courts.

ART. 89. The Supreme Court takes cognizance of conflicts of jurisdiction between the judges, and between the latter and the officials of the executive branch.

ART. 90. Defense before the tribunals of the Republic is free. Challenge of courts and judges without cause is prohibited. *

ART. 91. Every judicial sentence must be founded upon this Constitution and upon the law.

ART. 92. The members of the Supreme Court shall take an oath at the hands of the President of the Republic, and the magistrates and judges before the Supreme Court, faithfully to discharge their obligations.

ART. 93. The Supreme Court shall enact its own regulations and appoint and remove all the subordinate employees of the Judiciary. It shall present annually a report to the President of the Republic on its work accomplished and upon the state and necessities of national justice.

Amendment of the Constitution

ART. 94. No total reform of this Constitution may be made for ten years after its promulgation. The need for the reform must be declared by the National Assembly by a two-thirds vote of its members.

The Assembly may, however, by the same fraction of votes, declare the need of introducing partial reforms that circumstances may make advisable and, if this shall be done, it shall submit them to a plebiscite that must coincide with the elections for the renewal of the current presidential term.

The current presidential term shall end August 15th, 1943.

Given in the city of Asunción, capital of the Republic of Paraguay, on the tenth day of July of the year of our Lord, 1940.

Peru



EVEN before Peru enacted its first formal constitution, San Martín had taken preliminary steps pointing in that direction. On February 12, 1821, he issued a brief "provisional regulation" specifying the kind of administration applicable to the areas then liberated. San Martín issued an enlargement of the original decree, the so-called "provisional statute," on October 8, 1821. Both of these documents were in anticipation of a formal constitution later to be drafted. A constituent assembly met at San Martín's call on September 20, 1822, in Lima and proceeded to the consideration of a more formal charter. Prior to the completion of a full-fledged basic law, the governing junta promulgated an instrument known as the Bases of the Political Constitution of the Peruvian Republic, on December 17, 1822. This was followed by the approval and promulgation some eleven months later (November 12, 1823) of the constitution itself. It established a highly centralized and conservative government, in which the French influence was especially noteworthy.

The constitution of 1823 did not work well, chiefly because it presumed too much of a democratic foundation. After acceptance in Bolivia of the famous constitution of 1826 inspired by Bolívar, the Liberator found the Peruvian congress amenable to adoption of the same law for that state. This action was taken on November 30, 1826; only minor modifications were made in extending the Bolivian constitution to Peru. It remained in effect only until June 11, 1827, however, and was followed by the temporary restoration of the constitution of 1823. Political elements in Lima engineered the convening of a new constituent assembly, the product of which was a new constitution signed and promulgated March 18, 1828. In this law the influence of the United States constitution is quite obvious, both in structural and in functional matters.

A revolution early in 1834 led to the calling of a new constituent convention, the constitution drafted by it being proclaimed on June 10, 1834. It considerably resembled its immediate predecessor. This constitution was effective for less than two years and then gave way to the effort of Andrés Santa Cruz to establish a Peruvian-Bolivian confederation. Peru, according to Santa Cruz's plan, was to be divided into South Peru and North Peru. Separate, brief constitutions for the two portions were promulgated on March 17, 1836, and August 6, 1836, respectively. A basic law for the confederation was completed at Tacna on May 1, 1837, but was not put

into operation. The defeat of Santa Cruz in 1839 and the consequent downfall of the confederation led to the meeting of a new constituent congress on August 15, 1839. The constitution it drafted, promulgated on November 10, 1839, closely resembled that of 1834, of which it was considered the direct successor.

President Castilla in 1854 convened a constituent assembly which drafted a brief "provisional statute," dated July 26, 1855. This was followed by a new constitution, also short, signed on October 13, 1856. This law, a product of the revolutionary spirit of 1848, has been characterized as "the most radically democratic" ever to be adopted in Peru. General conviction that the constitution was too liberal led to its supplanting four years later with a new basic law, signed on November 10, 1860. This constitution, like those of 1828, 1834, and 1839, was patterned largely after that of the United States, although with the basic difference that Peru continued on a unitary rather than a federal basis.

With two brief interludes, the constitution of 1860 was destined to remain in force for six decades. A constituent congress called in February, 1867, during a revolutionary dictatorship, promulgated a new constitution on August 29 of that year. The law of 1860 was restored, however, on January 6, 1868. During the War of the Pacific, the constitution again was suspended in favor of a "provisional statute," dated December 27, 1879, but by the mid-1880's the charter of 1860 had again been restored. Its principal amendments were made in 1874, 1879, 1887, 1895, and 1915.

The return to power of President Augusto Leguía in 1919 was the prelude to the drafting of a new constitution the following year. A constituent assembly met on September 24, 1919, its product was approved on December 27, and the president promulgated the new constitution on January 18, 1920. Its form was inspired principally by Leguía himself, though some two-thirds of it was taken verbatim from the constitution of 1860. The principal innovations in the 1920 law were the provision for a graduated income tax, that for three regional legislatures representing the north, center, and south, and that for a modified form of ministerial responsibility.

Peru's present constitution dates from April 9, 1933. Counting all previous instruments, it is the seventeenth that state has had.

The congress on November 6, 1945, adopted a law abrogating the amendments approved by plebiscite in 1939, basing its action on the method of adoption. The president vetoed this law, but the congress, on December 26, 1945, passed it over his veto; the abrogation was subsequently published in *El Peruano* on February 6, 1946, and was effective as of that date.

POLITICAL CONSTITUTION OF THE REPUBLIC OF PERU

TITLE I

The State, Territory, and Nationality

ARTICLE 1. Peru is a democratic republic.

The power of the State emanates from the people and is exercised by the officials with the limitations that the Constitution and the laws establish.

ART. 2. The State is one and indivisible.

ART. 3. The territory of the State is inalienable.

ART. 4. Those born in the territory of the Republic are Peruvians. Children of a Peruvian father or mother, whatever may have been the place of their birth, provided that they are living in the Republic or inscribed in the civic register or in the respective consulate, are also Peruvians. It is assumed that minors, residents of the national territory, children of unknown parentage, have been born in Peru.

ART. 5. Aliens of majority age, domiciled in the Republic for more than two consecutive years and who renounce their nationality, may be naturalized. Naturalization is granted in conformity with the law and is only effective individually.

Those born in Spanish territory shall not lose the nationality of their origin if they are naturalized Peruvians prior to the proceedings and requisites fixed by law and in conformity with what is established in the treaty which, on the basis of reciprocity, may be negotiated with the Spanish Republic.

ART. 6. An alien woman married to a Peruvian acquires the nationality of her husband. A Peruvian woman who is married to an alien retains Peruvian nationality unless she expressly renounces it.

ART. 7. Peruvian nationality is lost:

1st. By entering the military service of a foreign power, without permission of the Congress, or by accepting employment from another State that may carry joint exercise of authority or jurisdiction; and

2nd. By acquiring foreign nationality. The case of reciprocity already noted in the second paragraph of Article 5 is excepted.

TITLE II

Constitutional Guarantees

CHAPTER I

National and Social Guarantees

ART. 8. The law may create, alter, or suppress taxes, and exempt their payment in whole or in part for public services only.

There are no personal privileges in the matter of taxes.

ART. 9. The general budget determines annually the income and expenditure of the Republic. The law regulates the preparation, approval, and execution of the general budget. For any amount collected or expended contrary to the law, the person ordering the illegal collection or expenditure shall be held responsible. The person carrying out the act shall also be held responsible if he does not prove his innocence.

The immediate publication of the budgets and the accounts of income and expenditures of all of the dependencies of the public organs is obligatory, and violators are held responsible.

ART. 10. A special department, the functioning of which shall be subject to the law, shall control the execution of the general budget of the Republic and the administration of the bodies that may collect or administer revenues or properties of the State. The chief of this department shall be appointed by the President of the Republic with the approval of the Council of Ministers. The powers and duties shall be stipulated by law.

ART. 11. The State guarantees the payment of the public debt contracted in conformity with the Constitution and the laws.

ART. 12. The monetary system of the Republic is determined by law.

The emission of paper money is the privilege of the State, which exercises it by means of a central national banking institution charged with the regulation of money.

ART. 13. A special department, the functions of which shall be determined by law, shall exercise supervision in the name of the State over banking enterprises.

ART. 14. The State shall maintain the stability of money and the free conversion of banknotes by whatever means may be within its capacity. Only in exceptional cases, at the request of the Executive, with the consent of the body charged with the regulation of money, and with that of the chief of the department that supervises banking enterprises, may the Congress enact a law which may provisionally establish inconvertible bank currency.

ART. 15. National loans must be authorized or approved by a law fixing their conditions and designating the purposes for which they may be expended, which must be of a productive character or related to national defense.

ART. 16. Monopolies and combines in restraint of trade and industry are prohibited. The law shall fix the penalties to be imposed upon offenders. The law alone may establish State monopolies and privileges in the exclusive national interest.

ART. 17. Mercantile companies, national or foreign, are subject without restrictions to the laws of the Republic. In any contract between the State and aliens, or in the concessions that the former may grant in favor of aliens,

the express submission of the latter to the laws and tribunals of the Republic and their renunciation of all diplomatic claims must be made clear.

ART. 18. No individual may receive more than one salary or emolument from the State, whatever may be his function or office, unless he is a teacher, in which case he is entitled to one additional stipend. The salaries or emoluments payable by local corporations or bodies dependent in any form upon the Executive, are included in this prohibition.

ART. 19. Acts of those who usurp public functions and positions without the requisites prescribed by the Constitution and the laws are null.

ART. 20. Those who discharge public office are directly and immediately responsible for the acts practiced in the exercise of their functions. The manner of making this responsibility effective shall be determined by the law. The fiscal ministry is obliged to see to the fulfillment of the provisions of this article.

ART. 21. No one may exercise the public functions designated in this Constitution if he has not sworn to comply with it.

ART. 22. Every official or public employee, civil or military, who has property or income independent of his status as such, is obliged to declare them expressly and specifically, in the manner determined by law.

ART. 23. The Constitution and the laws protect and obligate all the inhabitants of the Republic equally. Special laws may be enacted because the nature of things may require it, but not because of any difference between persons.

ART. 24. No one is obliged to do that which the law does not require, or may be impeded from doing what it does not prohibit.

ART. 25. No law has retroactive force or effect.

ART. 26. Claims regarding infractions of the Constitution may be brought before the Congress.

ART. 27. The State recognizes liberty of association and of contract. The conditions for its exercise are regulated by the law.

ART. 28. The maximum interest for the loaning of money shall be established by law. Any pact in opposition to this is null. Those who violate this order shall be punished.

ART. 29. Property is inviolable, whether material, intellectual, literary, or artistic. No one may be deprived of his property except by reason of legally established public utility and after justly appraised prior indemnification.

ART. 30. The State guarantees and protects the rights of authors and inventors. Their exercise shall be regulated by law.

ART. 31. Property, whoever may be the owner, is governed exclusively by the laws of the Republic and is subject to the taxes, charges, and limitations established in the laws themselves.

ART. 32. The same provision regarding property applies to aliens as well as to Peruvians, except that in no case may said aliens make use of their exceptional position or resort to diplomatic appeals.

ART. 33. Public properties used by everyone, such as rivers, lakes, and public roads, are not subject to private ownership.

ART. 34. Property must be used in harmony with the social interest. The limits and nature of the right of property shall be fixed by law.

ART. 35. The law may, for reasons of national interest, establish special restrictions and prohibitions for the acquisition and transference of specified kinds of property, on account of the nature, condition, or location of such property in the country.

ART. 36. Aliens may not, within fifty kilometers of the frontiers, acquire or possess, by any title, lands, waters, mines, or combustibles, directly or indirectly, individually or corporatively, under penalty of losing the acquired property, to the benefit of the State except in a case of national necessity declared by an express law.

ART. 37. Mines, lands, forests, waters, and, in general, all natural sources of wealth belong to the State, except for rights legally acquired. The conditions of their utilization by the State, or their concession, in ownership or usufruct, to private parties, shall be fixed by law.

ART. 38. The State may, by means of a law, take under its charge or nationalize land, maritime, river, lake, and aerial transportation, or other public services of private ownership, with prior indemnification and in conformity with the existing laws.

ART. 39. Tariffs on passage and freight shall be fixed and shall be collected only in national money, with no exception.

ART. 40. The State recognizes the freedom of commerce and industry. The law shall indicate the requisites to which the exercise of such freedom is subject and the guarantees granted it. When public security or necessity require it, the law may establish limitations or reservations in said exercise, or may authorize the Executive to establish them, but in no case may such restrictions have a personal or confiscatory character.

ART. 41. The State shall receive part of the proceeds of mining enterprises, in the amount and proportion that shall be determined for alienating them under the conditions fixed by law.

ART. 42. The State guarantees freedom of labor. Any profession, industry, or business that may not be opposed to morality, health, or public security, may be practiced freely.

ART. 43. The State shall legislate upon the collective bargaining of labor.

ART. 44. Any stipulation in a labor contract that may restrict the exercise of civil, political, and social rights is prohibited.

ART. 45. The State shall favor a system of participation by employees

and workers in the benefits of enterprises, and shall legislate upon other aspects of the relations between capital and labor, and upon the protection of employees and workers in general.

ART. 46. The State shall legislate upon the general organization and the safeguards of industrial labor and upon the guarantees for life, health, and hygiene as related to it. The maximum conditions of labor, the compensation for services and for accidents, as well as for minimum salaries in relation to age, sex, the nature of the work, and the conditions and necessities of the various regions of the country, shall be regulated by law.

ART. 47. The State shall favor the preservation and growth of moderate and small rural ownership; it may, by means of a law, and prior indemnification, expropriate lands of private ownership, especially those not being exploited, in order to subdivide them or transfer them under conditions that may be regulated by law.

ART. 48. A system providing for the economic consequences of unemployment, age, illness, disability, and death shall be established by law. The law shall encourage institutions of social solidarity, establishments for savings and insurance, and co-operatives.

ART. 49. In extraordinary circumstances of social necessity, laws may be enacted or authorized by the Executive for adopting provisions tending to lower the cost of living.

In none of these cases may property be expropriated without just indemnification.

ART. 50. The State has in its charge public health, and it cares for individual health, enacting the laws for hygiene and sanitary control that may be necessary, as well as those that favor the physical, moral, and social improvement of the population.

ART. 51. Marriage, the family, and maternity are under the protection of the law.

ART. 52. The protection of the physical, mental, and moral health of infancy is a primary duty of the State. The State protects the right of the child to home life, education, vocational orientation, and ample assistance when in a situation of neglect, illness, or misfortune. The State shall commit the fulfillment of the provisions of this article to adequate technical organizations.

ART. 53. The State does not recognize the legal existence of political parties of international organization. Those who may belong to such political parties may not discharge any political function.

ART. 54. The penalty of death may be imposed for the crimes of treason to the Fatherland and qualified homicide, and for all crimes that may be determined by the law.

CHAPTER II

Individual Guarantees

ART. 55. No one may be obliged to give personal labor without his free consent and without just recompense.

ART. 56. No one may be detained save by written order authorized by a competent judge or by the authorities charged with preserving public order, except in case of crimes *in flagrante delicto*, with the stipulation in every case that the detained person be placed, within twenty-four hours, or within the limits of the distance, at the disposal of the corresponding court, which shall either order his release or order a prison sentence for the period that the law stipulates.

ART. 57. No one may be condemned for an act or an omission which at the time of being committed was not qualified in the law in an express and unequivocal manner as a punishable violation, or be judged except by tribunals established by the laws. Any declaration obtained by violence is without value.

The penalty of confiscation of property may not be imposed.

ART. 58. There is no detention for debts.

ART. 59. Freedom of conscience and of belief is inviolable.

No one may be persecuted by reason of his ideas.

ART. 60. The right of petition may be exercised individually or collectively. It may not be exercised by the armed force.

ART. 61. The domicile is inviolable. It may not be entered unless a written order authorized by a judge or a competent authority has previously been shown.

ART. 62. Everyone has the right to assemble peacefully without arms and without compromising the public order. The exercise of the right of assembly shall be regulated by law.

ART. 63. The State guarantees freedom of the press. Everyone has the right freely to express his ideas and his opinions by means of printing or by any other method of diffusion, under the responsibility established by the law. Responsibility for libelous publication shall pertain to the author and the editor, who shall collectively be responsible for the indemnification due the injured person.

ART. 64. The ordinary tribunals shall have jurisdiction over crimes of the press.

ART. 65. Public spectacles are subject to review.

ART. 66. Correspondence is inviolable. Letters and private papers may not be seized, intercepted, or recorded, except by judicial authority in the cases and in the form established by law.

Letters and private papers that have been violated or removed have no legal effect.

ART. 67. The right of entering, traveling in, and leaving the territory of the Republic is free, with the limitations that may be established by the penal, sanitary, and alienage laws.

ART. 68. No one may be exiled from the territory of the Republic, or removed from the place of his residence, except by an executed sentence or by application of the law of alienage.

ART. 69. All of the individual and social rights recognized by the Constitution are open to the action of *habeas corpus*.

ART. 70. When the security of the State may require it, the Executive may suspend, completely or partially, in all or in a part of the national territory, the guarantees stated in Articles 56, 61, 62, 67, and 68. If the suspension of guarantees is decreed during the session of the Congress, the Executive shall give to the Congress an immediate account of it.

The terms of suspension of guarantees shall not exceed thirty days. An extension requires a new decree.

The law shall determine the powers of the Executive during the suspension of guarantees.

TITLE III

Education

ART. 71. The technical direction of education belongs to the State.

ART. 72. Primary instruction is obligatory and gratuitous.

ART. 73. There shall be at least one school in each locality in which the school population is thirty pupils.

Complete primary instruction shall be apportioned in each capital of a province and of a district.

ART. 74. Schools that may function in industrial, agricultural, or mining centers, shall be supported by the respective proprietors or enterprises.

ART. 75. The State encourages instruction in the secondary and higher grades with a tendency toward making it gratuitous.

ART. 76. There shall be at least one school of industrial orientation in each Department.

ART. 77. The State encourages the technical instruction of workers.

ART. 78. The State encourages and contributes to the support of pre-school and post-school education and of schools for retarded or abnormal children.

ART. 79. Moral and civic education of children is obligatory and shall necessarily be inspired by the national growth and human solidarity.

ART. 80. The State guarantees academic freedom.

ART. 81. Professorship is a public career and gives the right to the privileges that may be fixed by the law.

ART. 82. Archeological, artistic, and historical treasures are under the safeguard of the State.

ART. 83. The minimum amount of the income intended for the support and diffusion of instruction, and the proportion by which it must annually be increased, shall be stipulated by the law.

TITLE IV

Citizenship and Suffrage

ART. 84. Male Peruvians of majority age, and married men more than eighteen years of age and who are not under guardianship, are citizens.

ART. 85. The exercise of citizenship is suspended:

1st. By physical or mental incapacity.

2nd. By religious profession; and

3rd. By execution of a sentence that may impose a penalty of deprivation of liberty.

ART. 86. Citizens who know how to read and write enjoy the right of suffrage; and, in municipal elections, Peruvian women of majority age, married women or those who may have been married, and mothers of families, even though they may not have reached majority age.

ART. 87. Those who may have been suspended in the exercise of citizenship, and members of the armed force in active service, may not vote. There are no other disqualifications.

ART. 88. The electoral power is autonomous. The registry is permanent.

Registration and the vote are obligatory for men up to the age of sixty years, and optional for those above this age.

The ballot is secret.

The system of elections will give representation to minorities, with a tendency toward proportionality.

TITLE V

Legislative Power

ART. 89. The Congress is composed of a Chamber of Deputies, elected by direct suffrage, and of a functional Senate.

ART. 90. The Deputies and the Senators are elected in the form and from the electoral districts that may be determined by law.

ART. 91. The number of Deputies and of Senators shall be fixed by law.

ART. 92. The Deputies and Senators represent the Nation and are not subject to imperative mandate.

ART. 93. The Chamber of Deputies is elected for a term of five years, and is renewed completely at the expiration of the term.

ART. 94. The Senate is elected for a term of six years and is renewed in its

entirety on the expiration of its term, when the functional Senate will be organized.

ART. 95. The Senators and Deputies elected to fill the vacancies that may occur shall conclude the term commenced by the Deputy or Senator whom they replace.

ART. 96. The legislative mandate may not be renounced, except in the case of re-election. The resignation shall be presented to the respective Chamber.

ART. 97. The Executive calls general elections for President of the Republic, for Deputies, and for the renewal of senatorial thirds.¹

The Executive also calls partial elections to fill vacancies left during the legislative period in the Senate or in the Chamber of Deputies, with a prior declaration of vacancy, and with the consent of the respective Chamber.

If the Executive should not issue the decrees of convocation on the dates or within the periods stipulated by law, the president of the Congress shall do so for general elections, and the president of each Chamber for partial elections, as the case may be.

ART. 98. To be a Deputy, it is necessary to be Peruvian by birth, to enjoy the right of suffrage, to have reached the age of twenty-five years, and to be a native of the Department to which his respective electoral district belongs, or to have had three years of continuous residence in it.

To be a Senator, it is necessary to be Peruvian by birth, to enjoy the right of suffrage, and to have reached thirty-five years of age.

ART. 99. The following are not eligible to become Deputies or Senators if they have not left their office six months before the election:

1st. The President of the Republic, the Ministers of State, and the prefects, subprefects, and governors.

2nd. Members of the Judiciary.

3rd. Members of the departmental councils, or of the municipal councils of the respective electoral districts; and

4th. Members of the armed force who are in active service, public employees directly removable by the Executive, members of the departmental or municipal councils, employees of public beneficence societies, and institutions or corporations that are in any way dependent upon the executive branch; and persons who may be subject to the official disapproval of the Executive.

ART. 100. Members of the clergy are likewise not eligible to become Deputies or Senators.

ART. 101. Incompatibility exists between the legislative office and any other public function, whether it be of the national administration or of departmental or municipal administration. Included in this incompatibility are employees of public beneficence societies, departmental or municipal councils, and corporations dependent in any way upon the executive branch.

1. The provision regarding senatorial thirds does not now prevail; see Article 94, *supra*.

ART. 102. The incompatibilities between the legislative office and the offices of manager, agent, supervisor, or lawyer for foreign or national enterprises that may hold contracts from the State, may exploit national sources of production, or may administer incomes or public services, or institutions in which the Executive may directly or indirectly intervene, shall be stipulated by the law.

ART. 103. The legislative office terminates upon the acceptance of any employment, trust, or favor, the naming, presenting, or offering of which may belong to the Executive.

The office of Minister of State is excepted. The discharge of extraordinary commissions of international character is also excepted, with the approval of the respective Chamber, without authority, in this case, to prolong the absence of the Senator or Deputy in commission for more than one year. Gratuitous commissions of the Executive with the previous authorization of the respective Chamber may likewise be excepted.

ART. 104. Deputies and Senators are not responsible before any tribunal or any authority for the votes or opinions that they may emit in the exercise of their functions.

ART. 105. Senators and Deputies are inviolable in the exercise of their functions and may not be accused or held without the prior authorization of the Chamber to which they belong, from one month before the opening of the legislative session until one month after its closing, except for crime *in flagrante delicto*, in which case they shall be placed within twenty-four hours at the disposal of their respective Chamber.

ART. 106. Senators and Deputies may not by themselves, or through any intermediary person, negotiate contracts with the national administration or with a departmental or municipal administration, or obtain concessions of public property.

Ordinary concessions of mines, waters, and mountain lands are not included in this prohibition.

Deputies and Senators may not accept a mandate from anyone to conduct business in which the administrative authorities in general may intervene in the exercise of their functions.

Violation of these prohibitions carries with it the nullification of the act and the loss of the legislative office.

ART. 107. The Congress is opened every year on July 28th, on the convocation of the Executive or without it.

The ordinary legislative session lasts 120 natural days.

ART. 108. The President of the Republic, with the consent of the Council of Ministers, may convene the Congress in extraordinary legislative session. The dates of opening and closing shall be fixed in the decree of convocation.

The President of the Republic must convene the Congress in extraordinary

legislative session when one-half of the available members of the Congress, plus one, ask it. In this case, the legislative session terminates when the Congress so decides.

ART. 109. The quorum for the opening of the Congress is ordinary legislative session or extraordinary session is fifty-five per cent of the legal number of members of each Chamber.

ART. 110. The opening of the Congress in ordinary legislative session shall be performed with the attendance of the President of the Republic. This attendance is not essential in order that the Congress may begin its functions.

ART. 111. In an extraordinary legislative session, the Congress and each one of the Chambers has the same attributes as in an ordinary legislative session.

In case the convocation of an extraordinary legislative session may have originated in the decision of the President of the Republic, the Congress shall give preference to the business that may be the occasion of the decree of convocation, or that which is submitted during this session by the Executive.

This preference does not limit the exercise of the political powers of the Congress or of either one of the Chambers.

ART. 112. Neither Chamber may function during the recess of the other.

ART. 113. The presidency of the Congress shall be alternated between the presidents of the Chambers. The president of the Senate presides at the opening session.

ART. 114. Each Chamber annually elects its executive board.

ART. 115. Each Chamber organizes its secretariat, appoints and removes its employees, authorizes its budget, and regulates its economy and internal policing; and grants pensions, in conformity with the law, for retirement, superannuation, and gratuity, to its employees or their relatives.

ART. 116. The relations between the two Chambers and those between each one of these or the Congress and the Executive, and the functioning of the Congress and of the Chambers, shall be established by the by-laws of the Congress, which shall have the force of law.

ART. 117. Sessions of the Congress and of each one of the Chambers shall be public, except in cases stipulated by the by-laws.

ART. 118. The armed forces may not encroach upon the province of the Congress or upon that of either Chamber at any time, without the authorization of the respective president.

The Executive is obliged to place at the disposal of the Congress and of each Chamber during the legislative session and during the functioning of the Chambers in preparatory sessions, whatever armed force the respective president may request.

ART. 119. Each Chamber has the right to appoint investigating committees. The national, departmental, or municipal administrative authorities, and those of the Judiciary, are obliged to supply said committee with the information and documents it may request.

Any Deputy or Senator may ask the Ministers of State for the data or information he may consider necessary for the exercise of his functions.

ART. 120. The Congress may not grant personal favors that may be translated into expenditures of the treasury, or increase the income of officials and public employees, except upon the initiative of the Executive.

ART. 121. It is the function of the Chamber of Deputies to accuse before the Senate the President of the Republic, members of both Chambers, the Ministers of State, and the members of the Supreme Court of Justice, for violations of the Constitution, and for every crime that they may commit in the exercise of their functions, and which, according to the law, must be punished.

ART. 122. It is the function of the Senate to declare if there are or are not grounds for an indictment in consequence of the accusations made by the Chamber of Deputies. In the first case, the accused shall be suspended in the exercise of his functions and shall be subject to trial according to law.

ART. 123. The powers and duties of the Congress are:

1st. To enact laws; to interpret, modify, and repeal the existing laws.

2nd. To open and close the ordinary and extraordinary legislative sessions at the time fixed by the Constitution.

3rd. To designate the place of its sessions and to determine if there should or should not be an armed force, and its size and location.

4th. To examine violations of the Constitution and to provide what may be necessary for making effective the responsibility of the offenders.

5th. To impose taxes and to abolish established taxes; to sanction the budget; to approve or disapprove the general accounts of the Republic that the Executive annually presents; and to approve the budgets of the departmental councils.

6th. To authorize the Executive to negotiate loans binding upon the national treasury and stipulating funds for their amortization.

7th. To enact tariff duties.

8th. To recognize the national debt and stipulate the means of consolidating and amortizing it.

9th. To create and abolish public offices and make the necessary appropriations therefor, with the exception of those offices the creation or abolition of which belongs to other bodies in conformity with the law.

10th. To fix the fineness, weight, type, and denomination of money, as well as the system of weights and measures.

11th. To accept or refuse a resignation from office that the President of the Republic may give.

12th. To declare a vacancy in the presidency of the Republic in the cases stipulated in the Constitution.

13th. To approve or disapprove proposals of promotion which, subject to the law, the Executive may make for generals of division and vice-admirals,

colonels and captains in the navy; and to grant such promotions without the requisite of the proposal of the Executive, for eminent services that may warrant the national gratitude.

14th. To create new archbishoprics and bishoprics, or to suppress those already existing, on the request of the Executive.

15th. To make demarcations and divisions in the national territory.

16th. To settle conflicts that may arise between the Executive and the departmental councils.

17th. To grant rewards to towns, to organizations, or to individuals for eminent services that they may have rendered to the Republic.

18th. To give consent for the entry of foreign troops into the territory of the Republic, provided that they may not in any way affect the national sovereignty.

19th. To make a declaration of war, on the initiative or prior information of the Executive, and to require the latter to negotiate peace.

20th. To determine in each ordinary legislative session, and in the extraordinary sessions when it may be proper, the strength of the armed force.

21st. To approve or disapprove treaties, concordats, and other conventions that may be concluded with foreign governments.

22nd. To exercise the right of pardon. Only during the recess of the Congress may the Executive grant pardon to those sentenced for politico-social crimes.

23rd. To exercise the further powers and duties essential to the legislative authority.

TITLE VI

Formation and Promulgation of Laws

ART. 124. The Senators, Deputies, and the Executive have the right of initiative in the formation of laws and legislative resolutions; and in judicial matters, the members of the Judiciary through the intermediary agency of the Supreme Court of Justice.

ART. 125. A bill approved by one Chamber shall pass to the other for revision. The additions shall be subjected to the same procedure as the bill.

ART. 126. Bills modified or rejected by the revising Chamber shall return to the Chamber of origin so that the latter may decide whether or not to insist upon its original form.

ART. 127. Bills insisted upon shall be determined in Congress.

ART. 128. Within the ten days following receipt by the President of the Republic of a law approved by the Congress, he must promulgate it and order its fulfillment.

ART. 129. If the President of the Republic does not, within the ten days, promulgate and order the fulfillment of a law, the president of the Congress

shall promulgate it and order its fulfillment and shall order its publication in some periodical.

ART. 130. In drafting laws the Congress shall use this formula: "The President of the Peruvian Republic has given the following law:....

"This law shall be delivered to the Executive for its promulgation."

The Executive, in promulgating and ordering the fulfillment of laws, shall use this formula: "The President of the Republic, inasmuch as the Congress has given the following law:....

"Therefore, I order that this law be published and fulfilled."

ART. 131. To interpret, modify, or repeal laws, the same procedure shall be observed as in their formation.

ART. 132. A law is obligatory from the day following its promulgation and publication except in case of a contrary provision in the law itself.

ART. 133. There is popular action before the Judiciary against the regulations and against the administrative decisions and decrees of general character that may violate the Constitution or the laws, without affecting the political responsibility of the Ministers.

The corresponding judicial procedure is established in law.

TITLE VII

Executive Power

CHAPTER I

President of the Republic

ART. 134. The President of the Republic is the chief of State, and personifies the Nation.

ART. 135. The President of the Republic is elected by direct suffrage.

ART. 136. To be elected President of the Republic, it is necessary to be a Peruvian by birth, to enjoy the right of suffrage, to have reached thirty-five years of age, and to have resided ten consecutive years in the territory of the Republic.

ART. 137. The following are ineligible to be President or Vice-President of the Republic:

1st. Ministers of State and members of the armed force in active service, unless they have left their office six months before the election.

2nd. The citizen who, by any title, is exercising the presidency of the Republic at the time of the election.

3rd. Relatives within the fourth degree of consanguinity or the second degree of affinity of the person exercising the presidency of the Republic or who has exercised it within the year prior to the election.

4th. Members of the Judiciary; and

5th. Members of the clergy.

ART. 138. To be proclaimed President of the Republic by the national board of elections, it is necessary to have obtained a majority [i.e., a plurality] of the votes, provided this majority may not be less than one-third part of the valid votes.

If none of the candidates obtains the required majority [plurality], the national board of elections shall give an account to the Congress of the result of the scrutiny. In this case, the Congress shall elect the President of the Republic from among the three candidates who may have obtained the greatest number of valid votes.

ART. 139. The presidential term continues five years and commences on July 28th of the year in which the election takes place, although the one elected may not have assumed his functions on that date.

ART. 140. The citizen proclaimed President of the Republic shall give oath before the Congress upon assuming his functions.

ART. 141. The election of the President of the Republic will be held at the same time as the general election of Deputies.

ART. 142. There is no immediate presidential re-election. This prohibition cannot be amended or repealed. The author or authors of the amending or repealing proposal, and those who may support it, directly or indirectly, shall cease effectually in the discharge of their respective offices and shall be permanently incapacitated for the exercise of any public functions.

ART. 143. The citizen who has exercised the presidency of the Republic may not be elected again until after one presidential term has elapsed.

ART. 144. The presidency of the Republic is vacated, aside from a case of death:

1st. For permanent physical or moral incapacity of the President, declared by the Congress.

2nd. Upon acceptance of his resignation.

3rd. For judicial sentence that may condemn him for the crimes enumerated in Article 150.

4th. For leaving the territory of the Republic without the permission of the Congress; and

5th. For not returning to the territory of the Republic upon the expiration of the leave of absence that the Congress may have granted to him.

ART. 145. The exercise of the presidency of the Republic is suspended:

1st. Upon the President taking command of the armed forces in person.

2nd. For temporary physical incapacity of the President, declared by the Congress; and

3rd. Upon his being brought to trial in conformity with Article 150.

ART. 146. [Repealed.]

ART. 147. In cases of vacancy in the presidency of the Republic, the Congress shall elect a President for the rest of the presidential term.

If the vacancy occurs when the Congress is in session, the election of a President shall take place within three days. If the Congress is in recess, it must convene in extraordinary session for the sole purpose of electing the President and receiving the oath from him. The election, in this case, shall take place within twenty days, counted from that on which the vacancy occurred.

The convocation of the Congress in extraordinary session to elect a President of the Republic, is made by the president of the Senate, or, in the absence of the latter, by the president of the Chamber of Deputies.

ART. 148. The election of the President of the Republic by the Congress shall take place by secret ballot in permanent and continuous session. The one who obtains an absolute majority of votes shall be proclaimed President.²

ART. 149. The President of the Republic shall present a message on ending his presidential term, and upon the inauguration of the Congress for its functions in ordinary legislative session. He may present messages at any time.

Presidential messages must be submitted to the Council of Ministers for their approval.

ART. 150. The President of the Republic may be accused during his term only for treason to the country; for having impeded the presidential or parliamentary elections; for having dissolved the Congress or impeded or rendered difficult its assembling or its functioning, or the assembling and functioning of the national board of elections.

ART. 151. The salary of the President of the Republic shall be fixed by law, and its increase shall have effect only in the following presidential term.

ART. 152. The President of the Republic may not leave the national territory without the permission of the Congress, which shall fix the time for which it is granted.

ART. 153. The President of the Republic may not personally take command of the armed force without the permission of the Congress. In the event of his taking command, he shall have only the powers of commander-in-chief, subject to the military laws and regulations, and shall be responsible in conformity thereto.

ART. 154. Powers and duties of the President of the Republic are:

1st. To represent the State internally and externally.

2nd. To maintain internal order and the external security of the Republic, without violating the Constitution or the laws.

3rd. To call general elections for President of the Republic and for Deputies, and for the renewal of senatorial thirds,³ and to call partial elections for Deputies and Senators, in conformity with the Constitution.

4th. To call the Congress in ordinary and extraordinary legislative sessions.

2. This article has been modified by Articles 1-4 of Law No. 8237 of April 1, 1936, *infra*.

3. The provision regarding senatorial thirds does not now prevail; see Article 94.

5th. To attend the opening of the Congress in ordinary legislative session.

6th. To participate in the formation of laws and legislative resolutions, in conformity with the Constitution.

7th. To appoint and remove the president of the Council of Ministers and the Ministers of State, in conformity with the Constitution.

8th. To issue rules for the execution of the laws, without exceeding their limits or weakening their effectiveness, and, with this same restriction, to issue decrees and resolutions.

9th. To administer the national treasury.

10th. To organize and distribute the armed force, and to employ said force in the service of the Republic.

11th. To appoint, remove, and grant leaves, in conformity with the law, to officials and public employees, the appointment and removal of whom does not belong to any other official or body.

12th. To grant retirement and superannuation pensions and widow's compensations, in conformity with the law.

13th. To resolve conflicts that may arise among the departmental councils.

14th. To enforce compliance with the decisions of the Judiciary.

15th. To require prompt administration of justice from the tribunals and courts.

16th. To direct international relations.

17th. To appoint and remove diplomatic agents, with the approval of the Council of Ministers.

18th. To appoint consuls.

19th. To receive diplomatic agents and admit consuls.

20th. To negotiate treaties, concordats, and international conventions, with the approval of the Council of Ministers, and to submit them for the information of the Congress.

* 21st. To exercise the national patronage according to the laws and practices in force.

22nd. [Repealed.]

23rd and 24th. Ecclesiastics occupying vacancies in the archbishoprics and bishoprics must be Peruvian by birth and shall be designated by the President of the Republic in Council of Ministers. The chief of State shall make the presentation before the Holy See, and authorize the respective bulls.

25th. To make nominations for the high offices and canonships of the cathedrals, and for the parishes and other ecclesiastical benefices, in accordance with the laws and practices in force.

26th. To grant or refuse permission for publication to conciliar decrees, briefs, and pontifical rescripts, with the consent of the Congress, and a previous hearing by the Supreme Court of Justice if they relate to controversial matters, and to grant or refuse it to bulls, when they do not refer to the institution of archbishop or bishop; and

27th. To exercise the further functions of government and administration that the Constitution and the laws commit to him.

ART. 155. At the termination of his constitutional term, the President of the Republic shall become a member of the Senate for one senatorial term.

CHAPTER II

Ministers of State

ART. 156. The law shall determine the number of Ministers, their titles, and the departments of administration belonging to each one.

ART. 157. The Ministers of State collectively form the Council of Ministers. Their organization and their functions are determined by law. The Council of Ministers has its own president.

ART. 158. The President of the Republic appoints and removes the president of the Council. The President of the Republic appoints and removes the other Ministers upon the proposal and with the consent, respectively, of the president of the Council.

ART. 159. The president of the Council countersigns his own appointment, and the appointments of the other Ministers.

ART. 160. To be a Minister of State, the same personal qualifications are required as for a Deputy.

ART. 161. Members of the Judiciary and members of the clergy may not be appointed Ministers of State.

ART. 162. There are no provisional Ministers. The President of the Republic may, on the proposal of the president of the Council, authorize one Minister, while retaining his own ministry, to discharge another in the case of a vacancy, or of the incapacity of the person serving in this office, but this commission may not be prolonged for more than thirty days or successively transmitted to other Ministers.

ART. 163. The President of the Republic convenes extraordinary sessions and presides over the Council of Ministers, and has the right of presiding over it when it is convened in regular or extraordinary session by the president of the Council.

Every decision of the Council requires the assenting vote of the majority of its members.

ART. 164. The Council of Ministers has a deliberative and consultative vote in the cases stipulated by law.

ART. 165. The President of the Republic, with the consultative vote of the Council, adjusts conflicts of competence among the Ministers. His decision is countersigned by the president of the Council.

ART. 166. The acts of government and administration of the President of the Republic are countersigned by the Minister of the respective department. Without this requisite they are null.

ART. 167. The president of the Council, on assuming his functions, will attend the Chamber of Deputies and the Senate, separately, in company with the other Ministers, and will explain the general policy of the executive branch.

ART. 168. The Council of Ministers in a body, or the Ministers separately, may attend the sessions of the Congress or of the Chambers and participate in their debates.

ART. 169. The presence of the Council of Ministers, or of any of the Ministers, is obligatory, provided that the Congress or either of the Chambers may call them for interpellation.

ART. 170. The interpellation shall be formulated in writing. For its permission, not less than one-fifth of the votes of the qualified representatives is required.

ART. 171. The Congress, or either Chamber, shall set the day and hour for the Ministers to answer the interpellation.

ART. 172. A motion of censure against the Council of Ministers, or against any of the Ministers, may be presented by only one Deputy or Senator, and shall be voted upon in the same session.

ART. 173. The censured Minister must resign. The President of the Republic shall accept the resignation.

ART. 174. Lack of approval of a ministerial initiative measure does not obligate the Minister to resign, unless the approval may have been made a question of confidence.

ART. 175. The exercise of the functions of Deputy or of Senator is not suspended while the one exercising them is in charge of a ministry.

ART. 176. Ministers may not exercise any other public function or any professional activity.

They shall not take part, directly or indirectly, in the direction or management of any enterprise or private association.

ART. 177. The Minister of Finance shall transmit to the Chamber of Deputies, with the appropriate explanation, within the thirty days following the convening of the Congress in ordinary legislative session, the bill of the general budget of the Republic for the next year.

A copy of the explanation and of the bill of the budget shall be transmitted by the Minister to the Senate.

He shall also, within the same period, send to the Senate and to the Chamber of Deputies, the general account of the income and expenditures of the Republic belonging to the operations of the preceding fiscal year, with the report of the official in charge of control of the execution of the budget.

The account shall be submitted to the study of a committee of Senators and Deputies, which shall have all the powers of parliamentary committees of investigation.

ART. 178. Each Minister, in agreement with the general policy of the Executive, directs the business relating to his respective ministry.

ART. 179. The Ministers are civilly and criminally responsible for their own acts and for the presidential acts that they countersign.

All the Ministers are collectively responsible for criminal acts, or for violations of the Constitution and the laws that the President of the Republic may commit, or that may be agreed upon in Council, even though they withhold their votes, unless they resign immediately.

CHAPTER III

Advisory Commissions and Technical Councils

ART. 180. In each ministry there shall be one or more consultative commissions, formed of Peruvian citizens specializing in the corresponding branches of administration. Their organization and functions shall be determined by law.

ART. 181. There shall be technical councils of administrative co-operation in the departments of Instruction; Agriculture, including water conservation, cattle-raising, and exploitation of forests; Industries, including commerce; Mining; Sanitation; Public Works; Posts and Telegraph; Native Problems; Labor, and any others stipulated in the law.

TITLE VIII

Council of National Economy

ART. 182. There shall be a council of national economy, formed by representatives of the consumer population, capital, labor, and the liberal professions. Its organization and functions shall be determined by law.

TITLE IX

Internal Government of the Republic

ART. 183. The territory of the Republic is divided into Departments, provinces, and districts. There exist in addition, the littoral provinces of Tumbes and Moquegua, and the constitutional province of Callao.

For the creation of Departments, the same procedure is followed as in the amendment of the Constitution.

ART. 184. The city of Lima is the capital of the Republic.

ART. 185. There shall be prefects in the Departments; subprefects in the provinces, except in the littoral provinces, in the constitutional province of Callao, and in those that may have as their capital that of the Department; governors in the districts, and lieutenant governors where it may be necessary.

The prefects shall be appointed with the approval of the Council of Ministers. The requirements for being appointed prefect shall be established by law.

ART. 186. The powers and duties of the political authorities shall be stipulated by law.

ART. 187. Political officials with whom this title is concerned, against whom judicial responsibility for acts committed in the exercise of their functions is declared, shall be permanently disqualified from discharging any public office, without prejudice to the punishment that may be imposed by the tribunals.

TITLE X

Departmental and Municipal Administration

CHAPTER I

Departmental Councils

ART. 188. The territorial districts have administrative and economic autonomy, in conformity with the Constitution and the corresponding organic law.

ART. 189. There shall be departmental councils in the places stipulated by law.

ART. 190. The number of members of each departmental council shall be fixed by law; they shall be elected by direct and secret suffrage, giving representation to minorities and tending toward proportionality. The councils shall be renewed every four years. Their members may not be re-elected.

ART. 191. The decisions and resolutions of the councils shall be executed by their presidents.

ART. 192. The councils have the power, in conformity with the provisions of the law, to organize, administer, and control the departments of instruction, health, public works of departmental concern, roads, agriculture, cattle-raising, industries, mines, beneficence, social welfare, labor, and any others that may relate to the necessities of their districts.

ART. 193. In addition to those stipulated by law, the following are powers and duties of the departmental councils:

1st. To collect and expend their revenues.

2nd. To formulate, in the month of August of each year, their budget for the following year.

3rd. To make properly substantiated proposals to the Executive for effecting the removal of political authorities from their districts.

4th. To give an account to the Executive of any offenses committed by officials and employees whose appointment or removal belongs to the former.

5th. To give an account to the Supreme Court of Justice of any offenses committed by members of the Judiciary.

6th. To see that the body in charge of the collection of the fiscal revenues fulfills its legal and contractual obligations, and to give an account to the Congress and to the Executive of violations that it may commit.

7th. To decide in the last instance upon administrative matters of the municipal councils, public societies of beneficence, universities, and national academies in those cases in which the recourse is the outcome of an appeal.

8th. To approve each year the budgets of the provincial municipal councils, public societies of beneficence, national academies, and technical commissions of water conservation, and to be familiar with the budgets of district municipal councils when the latter may be appealed.

9th. To register the Indian communities officially, in conformity with the law, in the appropriate registry, for the purpose of recognizing their juridical personality; and

10th. To protect the Indian communities; to take the census and draw up the tax list of the same, and to grant, in conformity with the law, property titles to those who do not hold any and who may so request. Resolutions put into effect by the departmental councils may be revised by the Executive if protested by the communities.

ART. 194. In addition to those designated by special law, the following are revenues of the departmental councils:

1st. The products of their own properties, which may be stipulated by law.

2nd. Taxes on landed properties and mines.

3rd. Patent, industrial, and ecclesiastical taxes.

4th. The sales tax on property transfers and the tax upon inheritances.

5th. The tax on the registry of public writings.

6th. The progressive tax on income.

7th. The tax on the income from movable capital.

8th. The additional fees on importations intended for sanitation, and other additional fees of departmental application.

9th. The revenues from the registry of real and mercantile property, and of farm securities.

10th. The tax on motor vehicles.

11th. The fees for timber concessions, uncultivated and mountain lands.

12th. The taxes of departmental or local character that may not belong to the municipal councils, public societies of beneficence, or other bodies; and

13th. The subventions and aids that may be granted them by the State.

ART. 195. The creation or maintenance of general taxes for the benefit of a particular district is prohibited except in case of their application to works declared by the Congress to have a national character.

ART. 196. Internal importation or exportation may not be burdened with taxes.

ART. 197. For the creation of imposts or local excise taxes, the vote of not less than two-thirds of the council is required. If the two-thirds vote is not obtained, the council may apply to the Congress requesting the said creation. If the Executive vetoes an impost or excise tax created by a departmental council, the Congress shall decide it.

ART. 198. For the reduction or definite abolition of imposts or local excise taxes, the procedure established in the previous article shall be followed.

ART. 199. The departmental councils shall send to the Congress, within the month of August of each year, the bill of their budget for the following year. In case of the non-fulfillment of this provision, the councils shall be subject to the sanctions established by law. If the budget bill is not approved by the Congress by December 31st, it shall begin to be applied.

ART. 200. In the month of March of each year, the departmental councils shall submit their accounts of the previous year to the superior tribunal of accounts, for its examination and approval.

ART. 201. The departmental councils may contract loans, the amortization and interest charges of which may not affect more than fifteen per cent of their revenues for the previous year, and only with the assenting vote of two-thirds of the council. All the loans that the councils may contract must be expended upon works of a productive character.

ART. 202. The organic law of the departmental councils shall establish their organization, powers, and functioning, as well as all else not already provided for by the Constitution.

CHAPTER II

Municipal Councils

ART. 203. There shall be municipal councils in the capitals of provinces and in the district capitals, and in the towns which the respective departmental council may determine.

ART. 204. Women with the right of municipal vote may be elected to membership in the municipal councils.

ART. 205. In each district municipal council, and in those that may be created by the approval of the departmental council, the Indian communities shall have a representative designated by them in the manner that the law may stipulate.

ART. 206. Without affecting the provisions of Clauses 7 and 8 of Article 193, the provincial municipal councils shall have administrative and economic autonomy in the exercise of the functions belonging to them in conformity with the laws.

TITLE XI

Indian Communities

ART. 207. The Indian communities have legal existence and juridical personality.

ART. 208. The State guarantees the integrity of the property of these communities.

The appropriate tax list shall be constituted by law.

ART. 209. The property of these communities is imprescriptible and inalienable, except in case of expropriation for reasons of public utility, with prior indemnification. Such property is likewise unattachable.

ART. 210. Neither the municipal councils nor any body or authority shall intervene in the collection or in the administration of the revenues and goods of the communities.

ART. 211. The State shall give preference in apportioning lands to the Indian communities that may not have them in sufficient amount for the necessities of their populations, and may expropriate lands under private ownership for this purpose, with prior indemnification.

ART. 212. The State shall enact the civil, penal, economic, educational, and administrative legislation that the peculiar conditions of the Indians may require.

TITLE XII

Armed Force

ART. 213. The purpose of the armed force is to assure the rights of the Republic, the fulfillment of the Constitution and the laws, and the preservation of public order.

ART. 214. Every Peruvian is obliged to contribute to the national defense and to submit himself to military obligations.

ART. 215. The laws and military regulations govern the organization of the armed force and its discipline.

ART. 216. The strength of the armed force and the number of general, superior, and subaltern officers shall be fixed by law. The Executive may not propose promotions, nor may the Congress approve them, except in case of vacancy.

ART. 217. Military ranks, honors, and pensions may not be withdrawn except by judicial sentence, in cases determined by law.

ART. 218. Members of the armed force who belong to the Congress may not be promoted to the ranks of general of division, vice-admiral, brigadier general, rear-admiral, colonel, and captain in the navy while their legislative mandate lasts.

This prohibition is not applicable to those who, with prior consent of their respective Chambers, may re-enter the service in case of national war.

ART. 219. Recruiting in cases not authorized by the laws and military regulations is a crime and the person ordering such recruiting may be denounced by popular action before the judges or before the Congress.

TITLE XIII

Judicial Power

ART. 220. The power of administering justice is exercised by the tribunals and courts, with the guarantees and following the procedures established in the Constitution and in the laws.

ART. 221. There shall be a Supreme Court of Justice in the capital of the

Republic; in those of the Departments there shall be superior courts as determined by law; there shall be courts of first instance in the capitals of the provinces; licensed justices of the peace shall be located in places stipulated by law; and justices of the peace shall be established in all communities.

The organization of the Judiciary, the manner of the appointments, and the conditions and requisites to which they shall be subject, shall be established by law.

ART. 222. Members and prosecutors of the Supreme Court of Justice shall be elected by the Congress from among ten candidates proposed by the Executive.

ART. 223. Members and prosecutors of the superior courts shall be appointed by the Executive on the proposal, in double lists of three, by the Supreme Court; the judges of first instance and the prosecuting attorneys on the proposal, in double lists of three, by the respective superior court.

ART. 224. The appointments of members and prosecutors of the superior courts and the judges and prosecuting attorneys shall be ratified by the Supreme Court at the time and in the manner determined by law. Non-ratification does not constitute a penalty or deprive any person of the right to the privileges acquired in conformity with the law; however, it does prevent re-entry into the judicial service.

ART. 225. The President of the Republic, the Ministers of State, the members of the Legislature, the directors of the ministries, and officials who exercise political authority while engaged in the exercise of their functions, may not be appointed to any judicial position.

ART. 226. Members of the Judiciary may not discharge any office that may depend upon election by the Congress or appointment by the Executive or by any other administrative authority or body. Exceptions to this stipulation are diplomatic offices, those of university instruction, codifying or amending commissions for the laws, the delegations of Peru in international or scientific congresses and conferences, and the functions of arbiter or of attorney in the tribunals of international arbitration in which any Peruvian right may be disputed.

The acceptance of an appointment prohibited by this article carries with it the loss of judicial office, and all of the privileges inherent in it.

ART. 227. Publicity is essential in all trials. Tribunals may confer in secret but voting shall be oral and public.

Reasons for sentences shall be given, citing the law or the basis in law.

ART. 228. All trials by commission are prohibited. No power or authority may remove to a superior court proceedings pending before the Judiciary. Likewise, concluded proceedings may not be revived.

ART. 229. The organization and powers of the military tribunals and of

other tribunals and special courts that may be established in due course, shall be determined by law.

ART. 230. The State shall indemnify the victims of judicial errors in criminal matters, subject to a prior review in the manner determined by law.

ART. 231. Crimes against functional duties and any other crimes that members of the Judiciary may commit in the exercise of their functions, may be denounced by popular action. Crimes against the execution of judicial decisions that officials of the executive branch may commit, may also be denounced by popular action.

TITLE XIV

Religion

ART. 232. Respecting the sentiments of the national majority, the State protects the Apostolic Roman Catholic Religion. Other religions enjoy freedom for the exercise of their respective faiths.

ART. 233. The State exercises the national patronage in conformity with the laws and current practices.

ART. 234. The relations between the State and the Catholic Church shall be governed by a concordat negotiated by the Executive and approved by the Congress.

ART. 235. In order to discharge the offices of archbishop and bishop, it is necessary to be Peruvian by birth.

TITLE XV

Amendment of the Constitution

ART. 236. Every constitutional amendment must be approved by the Chambers in ordinary legislative session and be ratified by both Chambers in another ordinary legislative session. Approval and ratification require the majority of the votes of the legal number of members of each one of the Chambers.

The initiative belongs to the Deputies and to the Senators, and to the President of the Republic with the approval of the Council of Ministers.

TITLE XVI

Transitory Provisions

[The transitory provisions, included as Title XVI of the Constitution, are now obsolete.]

Let it be transmitted to the Executive.

Given in the Hall of Sessions of the Constituent Congress in Lima, on the 29th day of the month of March of 1933.

[CONSTITUTIONAL AMENDMENTS]

LAW NO. 8237

Creation of Vice-Presidencies

ARTICLE 1. There shall be two Vice-Presidents of the Republic, denominated First and Second, who shall be elected at the same time, in the same manner, with the same qualifications, and for the same term as the President.

ART. 2. In the cases of vacancy designated by Article 144 of the Constitution of the State, the First Vice-President shall conclude the term commenced. In the cases cited in Article 145, the First Vice-President shall take office only for the duration of the encumbrance of the President.

ART. 3. In case of a vacancy in the presidency and the first vice-presidency, the Second Vice-President shall conclude the term commenced.

In case of the temporary incapacity of the President and of the First Vice-President, the Second Vice-President shall take office until the duly elected person is able to resume his functions.

ART. 4. Only in case of the absence of the President and of the two Vice-Presidents shall the Council of Ministers take charge of the executive office until the Congress may elect a President for the rest of the presidential term in accordance with the provisions of Article 147 of the Constitution.

[April 1st, 1936]

LAW NO. 9178

ART. 3. The legislative and executive branches will be renewed jointly on July 28th, 1945, the date indicated by the Constitution for the end of the term.

[September 26th, 1940]

United States

*

ORGANIC union of the British North Atlantic colonies during and after the period of the American Revolution was the outgrowth of a long period of constitutional development beginning with the chartering of the London Company on April 10, 1606 (it was rechartered May 23, 1609, and March 12, 1612), the planting of the Virginia Colony in April, 1607, and the inauguration of representative government with the convening of the first legislative assembly, at Jamestown on July 30, 1619. Other separate colonies followed in due course, the last of the familiar thirteen being Georgia, founded in 1733.

The first intercolonial effort at union was the New England Confederation, dating originally from May 19, 1643. Later and less well-known actual or proposed attempts to unite followed, the best publicized being the so-called Albany Plan (July 10, 1754), of which Benjamin Franklin was the chief author. The Stamp Act Congress in 1765 and the First Continental Congress in 1774 were significant joint efforts but did not represent true union. The state of *de facto* war that existed at the time the Second Continental Congress met (May 10, 1775) compelled that body to assume the characteristics of a provisional government. Franklin in July, 1775, proposed a confederate form of government to the congress, but it was not acted upon. Beginning in the spring of 1776, the several colonies took steps within about a year and a half to transmute themselves into states on the basis of individual written constitutions.

The famous tripartite motion of Richard Henry Lee on June 7, 1776, led to a committee report to the Continental Congress on July 12 recommending "Articles of Confederation." This draft was debated almost daily for more than a month and again, recurrently, from April 8, 1777, to November 15 of that year, the latter date being that of the adoption of the somewhat modified Articles. Representatives of eight states signed them on July 9, 1778, the final state of the thirteen—Maryland—approving them on March 1, 1781. They took effect the following day. The Articles established a true confederation, the weaknesses of which became apparent almost from the beginning. A unicameral congress was the only general organ of government created.

The growing dissatisfaction with this first constitution of the United States ultimately led to a convention, attended by delegates of only five states, assembling at Annapolis, on September 11, 1786. Because of its size

it attempted no formal work but recommended a more general convention the following year, a proposal in which the confederation congress independently concurred on February 21, 1787. The proposed Constitutional or Federal Convention duly met on May 25, 1787, under the presidency of George Washington, and deliberated until the signing of a new constitution on September 17. The new law was submitted for the ratification of the states; favorable action by New Hampshire on June 21, 1788, provided the necessary nine ratifications. The remaining states sooner or later took similar action. The constitution became effective March 4, 1789. The first ten amendments (popularly called the Bill of Rights, though properly that label belongs to the first nine) were declared in force on December 15, 1791, and thus, for practical purposes, formed almost a part of the original constitution. Subsequent amendments took effect in 1798, 1804, 1865, 1868, 1870, 1913 (two), 1919, 1920, and 1933 (two).

CONSTITUTION OF THE UNITED STATES OF AMERICA

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every 30,000, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two Sena-

tors from each State, chosen by the legislature thereof, for six years and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Sec. 4. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sec. 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its mem-

beis for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and the nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate

and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign Nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of Nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government

of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contract, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war,

unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. 2. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend* to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Con-

gress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of Government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

The Congress, whenever two-third of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the First Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord 1787 and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

CONSTITUTIONAL AMENDMENTS

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, *one of whom, at least, shall not be an inhabitant of the same State with themselves*; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the president of the Senate;—The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible

to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be appointed among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt

or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII

SECTION 1. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

SEC. 2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

SEC. 3. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission thereof to the States by the Congress.

ARTICLE XIX

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XX

SECTION 1. The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

SEC. 3. If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.

SEC. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

ARTICLE XXI

SECTION 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

SEC. 2. The transportation or importation into any State, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Uruguay



RELINQUISHMENT of Spanish sovereignty did not mean immediate independence for Uruguay. The "Eastern Bank" (of the Uruguay River) remained for some time subject to intervention by Argentina and Brazil. The Eastern Republic did not become permanently independent until 1828, and even at times thereafter it was subjected to external pressure. The first constitution was dated September 10, 1829, and took effect on July 25, 1830. It was to be one of the longest-lived of all Latin-American constitutions, not being supplanted for almost eighty-eight years. Its provisions were relatively orthodox and conservative.

The advent of José Batlle y Ordóñez in the early twentieth century introduced a degree of positive influence in Uruguayan politics such as few Latin American countries have at any time experienced. A part of the Batllista impress was a new constitution, approved at a plebiscite on November 25, 1917, and made effective on January 3, 1918. In some respects the new document failed to depart from what was typical in Latin American basic laws or in its own predecessor. It did, however, in contrast to the 1830 law, provide for separation of church and state. It also introduced extensively a Batlle-inspired quasi-socialistic philosophy and implementing provisions.

An interesting and significant feature of the 1918 law was the experiment with a bifurcated executive branch. In addition to a president chosen by direct popular vote for four years, the constitution created a "national council of administration" of nine members elected popularly for six-year terms. The council, as well as the congress and the local governments, were chosen by proportional representation. The area of nominally executive functions was divided between the president and the national council of administration, the former in general assuming responsibility for political functions and the council for more purely administrative matters.

Despite the fact that a later president even proposed the abolition of the presidency in favor of a plural executive, considerable dissatisfaction developed with the experiment in division of executive powers. In a new constitution, approved by plebiscite on April 19, 1934, the national council of administration was abolished and a more orthodox presidency restored. The constitution of 1934 established a semi-parliamentary type of government and also a fixed scheme of proportional representation applicable both to the congress and to the cabinet. A series of amendments was approved

by plebiscite on November 29, 1942. Interest in a plural executive or a division of executive functions continues in Uruguay and resulted in constitutional amendments aimed in such a direction and considered as late as the closing months of 1946.

CONSTITUTION OF THE EASTERN REPUBLIC OF URUGUAY

SECTION I

Concerning the Nation and Its Sovereignty

CHAPTER I

ARTICLE 1. The Eastern Republic of Uruguay is the political association of all inhabitants included within its territory.

ART. 2. It is, and always shall be, free and independent of every foreign power.

ART. 3. It shall never be the patrimony of any person or family.

CHAPTER II

ART. 4. Full sovereignty is vested fundamentally in the Nation, to which belongs the exclusive right of making its laws, in the manner that shall be provided later.

CHAPTER III

ART. 5. All religious denominations are free in Uruguay. The State does not support any religion. It recognizes ownership by the Catholic Church of all churches that have been wholly or partially constructed with funds of the national treasury, except chapels intended for the service of asylums, hospitals, jails, or other public institutions. It declares, likewise, that churches consecrated to the worship of various religions are exempt from all kinds of taxation.

CHAPTER IV

ART. 6. In international treaties that the Republic negotiates, a clause shall be proposed that all differences that may arise between the contracting parties shall be decided by arbitration or other pacific means.

SECTION II

Rights, Duties and Guarantees

CHAPTER I

ART. 7. Inhabitants of the Republic have the right to be protected in the enjoyment of life, honor, liberty, security, work, and property. No person shall be deprived of these rights except in conformity with the laws that may be established for reasons of general interest.

ART. 8. All persons are equal before the law, no other difference being recognized among them than that of talent or virtue.

ART. 9. Establishment of entailed estates is prohibited.

No official of the Republic may grant any title of nobility or hereditary honors or distinctions.

ART. 10. Private actions of persons not interfering in any way with public order or injuring a third party are exempt from the authority of the magistrates.

No inhabitant of the Republic shall be obliged to do what the law does not command, nor be prevented from doing what it does not prohibit.

ART. 11. The home is an inviolable haven. No person may enter it at night without the consent of the owner, and by day only by express order in writing from an authorized judge and in the cases determined by law.

ART. 12. No person shall be punished or confined without a legal form of trial and sentence.

ART. 13. The ordinary law may establish trial by jury in criminal cases.

ART. 14. Punishment by confiscation of property shall not be inflicted for reasons of a political character.

ART. 15. No person shall be arrested unless taken *in flagrante delicto* or with partial proof on written order of an authorized judge.

ART. 16. In either of the cases of the previous article, the judge, under the strictest responsibility, shall take the declaration of the accused within twenty-four hours and shall return an indictment within not more than forty-eight hours. The declaration of the accused shall be taken in the presence of his defender. The latter shall also have the right to be present at all of the summary judicial proceedings.

ART. 17. In case of illegal arrest, the interested party or any other person may address an appeal of *habeas corpus* to the authorized judge in order that the apprehending authority may immediately explain and justify the legal cause of detention, submitting it to the decision of the aforementioned judge.

ART. 18. The law shall establish the order and proceedings of trials.

ART. 19. Trials by commission are prohibited.

ART. 20. Oaths of the accused in their declarations or confessions regarding their own acts are abolished; implication of their guilt in said statements is also prohibited.

ART. 21. Criminal trial by default is similarly forbidden. The law shall provide what is suitable in this regard.

ART. 22. All criminal suits shall begin by an accusation by a party or by the public prosecutor, secret proceedings being abolished.

ART. 23. All judges are responsible before the law for the slightest violation of the rights of individuals, as well as for deviating from the order of procedure established by it.

ART. 24. All officials who, in the exercise of the public function which may have been entrusted to them, and with neglect of the duties that the

office imposes on them, cause injury to a third party, shall be civilly liable.

The State, municipalities, autonomous entities or decentralized services, or any public agency employing said official, shall answer in a subsidiary manner for his neglect of duty, and said agencies shall constitute a necessary party in the suits instituted for this purpose, and shall have the right to take action against the official in the event he is found guilty.

ART. 25. The penalty of death shall not be inflicted on any person.

Penal institutions shall in no case be permitted to inflict humiliating punishments, but shall exist only for the security of the accused and condemned persons, pursuing their re-education, rehabilitation for work, and prevention of crime.

ART. 26. Judges may place the accused at liberty at any stage of a criminal trial from which punishment by imprisonment is not likely to result, provided he gives bond according to law.

ART. 27. The papers of private persons and their correspondence by letter, telegraph, or any other means, are inviolable, and their inspection, examination, or interception is prohibited except in conformity with laws that may be established for reasons of general interest.

ART. 28. The communication of thought by word, written privately, or published in the press, or by any other method, without necessity of previous censorship, is entirely free; authors and, as the case may be, printers or distributors, remaining liable, according to law, for abuses that may be committed.

ART. 29. Every inhabitant has the right of petition to each and every official of the Republic.

ART. 30. Individual security may not be suspended except with the compliance of the General Assembly or the permanent committee, in case the former has been dissolved or is in recess, and in the extraordinary case of treason or conspiracy against the Fatherland; and then it shall be instituted only for apprehension of the offenders, without prejudice to the provision of Clause 18 of Article 157.

ART. 31. Property is an inviolable right, but subject to the provisions of the laws that may be established for reasons of general interest.

No person shall be deprived of his right to own property except in cases of public necessity or utility established by law, and always first receiving just compensation from the national treasury.

When expropriation is declared because of public necessity or utility, property owners shall be indemnified for the injuries and damage they suffer by reason of the delay in effecting the expropriation or not doing so.

ART. 32. Intellectual work, the right of an author, an inventor, or an artist, shall be recognized and protected by law.

ART. 33. All artistic or historic wealth of the country, regardless of who may be its owner, constitutes the cultural treasure of the Nation; it shall

be under the guardianship of the State, and the law shall determine what is considered necessary for its protection.

ART. 34. No person shall be obliged to render aid, of any kind whatever, to armies, or to offer his house for the quartering of soldiers, unless on the order of a civil magistrate according to law, and he shall receive an indemnification from the Republic for the losses suffered in such cases.

ART. 35. Every person has the right to devote himself to work, cultural pursuits, industry, commerce, a profession, or any other lawful activity, within the limitations of the general interest that the laws may establish.

ART. 36. Any person is free to enter the territory of the Republic, to remain in it, or to leave with his property, observing the laws, and without injury to third parties.

Immigration shall be regulated by law, but in no case shall an immigrant who suffers from physical, mental, or moral defects that may injure society, be admitted.

ART. 37. The right to assemble peacefully and without arms is guaranteed. The exercise of this right cannot be prohibited by any official of the Republic, except by virtue of a law, and only then for reasons of public health, security, and order.

ART. 38. All persons have the right to associate, whatever may be the object that they pursue, provided they do not form an assembly declared illegal by law.

CHAPTER II

ART. 39. The State shall safeguard the social development of the family.

ART. 40. The care and education of children until they reach their full physical, intellectual, and social capacity, is the duty and right of parents. Those who may have numerous offspring in their charge have the right to compensating assistance provided they need it for them.

The law shall provide the necessary measures for the protection of infants and children against parents or guardians who neglect them physically, intellectually, or morally, as well as against their exploitation and abuse.

ART. 41. Parents shall have the same obligations toward children born out of wedlock as toward those born in marriage.

Concerning maternity, whatever may be the condition or class of woman, she has the right to the protection of society and to assistance in case of need.

ART. 42. The law shall provide that juvenile delinquency be submitted to a special system in which women shall be given participation.

ART. 43. The State shall legislate on all questions relating to public health and hygiene, to obtain the physical, moral, and social improvement of all inhabitants of the country.

All inhabitants have the obligation of taking care of their health, as well as that of being given assistance in case of illness. The State shall freely provide means of prevention against illness, and medical aid, to those who are indigent or who lack sufficient means.

ART. 44. The law shall provide for hygienic and economic lodging for workingmen, sponsoring the construction of living quarters and districts that possess these conditions.

ART. 45. The State shall care for indigents or those lacking sufficient resources who, because of chronic physical or mental inferiority, are incapacitated for work.

ART. 46. The State shall, by means of law and international conventions, combat the social vices.

ART. 47. The right of succession shall be guaranteed within the limits established by law. The direct ascending and descending lines shall have preferential treatment in positive law.

ART. 48. Family welfare, its foundation, preservation, enjoyment, and transmission, shall be the purpose of special protective legislation.

ART. 49. Every commercial or industrial association organized as a trust shall be subject to the Comptroller of State.

ART. 50. The State, or the municipalities on their part, shall approve the confirmation of the establishment and maintenance of tariffs for public services in charge of concessionary concerns.

The concessions to which this article refers shall in no case be granted in perpetuity.

ART. 51. Usury is prohibited. The law that provides the maximum rate of interest on loans is of a public character. It shall determine the penalty to be applied to transgressors.

No person shall be deprived of liberty because of debts.

ART. 52. Labor is under the special protection of the law.

Every inhabitant of the Republic, without jeopardizing his liberty, has the obligation of applying his intellectual or physical energies in such form as to redound to the benefit of society, and the latter shall endeavor to offer, with preference to citizens, the possibility of earning a living by means of the development of economic activity.

ART. 53. The law shall recognize the independence of the moral and civic conscience of those who may be in a relation of labor or service as workingmen or employees and shall provide for their just remuneration, the limitation of their working hours, their weekly rest, and their physical and moral hygiene.

The work of women and of minors under eighteen years of age shall be especially regulated and limited.

ART. 54. The law shall provide an impartial and equitable distribution of work.

ART. 55. Every undertaking, the nature of which requires the residence of the personnel in the respective establishment, shall be obliged to provide adequate food and lodging under conditions established by law.

ART. 56. The law shall promote the organization of trade unions, granting them franchises and enacting standards for the recognition of their juridical personality.

It shall promote, furthermore, the creation of tribunals of conciliation and arbitration.

It is here declared that the strike is a right of trade unions. Its methods and practice shall be regulated on this basis.

ART. 57. Public officials are in the service of the Nation and not of a political party. In the places and during the hours of work, political activity shall be illegal, and as such, shall be suppressed by law.

The law shall establish the statute for public officials on the fundamental principle that the official was chosen for his office and not that the office was created for the official.

This statute shall especially determine the conditions of entrance into the administration, rules governing promotion, guarantees of permanence, removal from office, suspension, or transfer, the duties of public officials, and recourses against decisions that may affect them.

No parliamentary or administrative investigation of irregularities, neglect, or offenses shall be considered terminated while the accused person has not been able to present his answer and to cross-examine his defense.

This statute must be established within two years after the promulgation of this Constitution.

ART. 58. General retirement funds and social security measures shall be organized in such form as to guarantee to all workingmen, employers, employees, and day laborers adequate retirement pensions and subsidies for cases of accident, sickness, incapacity, enforced unemployment, etc.; and in case of death, a corresponding insurance payment to their families.

An old-age pension is the right of one who has reached the limit of his productive age after long residence in the country, if he lacks resources to provide for his vital needs.

ART. 59. Freedom of instruction is guaranteed.

A law shall regulate intervention by the State for the sole purpose of maintaining hygiene, morality, security, and public order.

Every parent or guardian has the right to select the teachers or institutions he prefers for the instruction of his children or wards.

ART. 60. Private institutions of learning that provide classes gratuitously to a number of students and in the form that the law shall determine, as well as cultural institutions, shall be exempted from national and municipal taxes as a subvention for their services.

ART. 61. Primary education is obligatory.

The State shall provide what is necessary for its enforcement.

ART. 62. Official free primary, intermediate, superior, industrial, and artistic instruction, and physical education is declared a social need; also the creation of scholarships for cultural, scientific, and industrial improvement and specialization, as well as the establishment of popular libraries.

All institutions of learning shall provide especially for the formation of the moral and civic character of the students.

CHAPTER III

ART. 63. The enumeration of rights, duties, and guarantees made by the Constitution does not exclude others that are inherent in the human personality or that may be derived from the republican form of government.

SECTION III

Concerning Citizenship and Its Rights; Methods of Suspension and Loss

CHAPTER I

ART. 64. Citizens of the Eastern Republic of Uruguay are either native or legal.

ART. 65. Native citizens are all men and women born anywhere in the territory of the Republic. The children of a native-born father or mother, whatever may have been the place of their birth, are also native citizens by the fact of residence in the country or by being inscribed in the civic register.

ART. 66. The following persons have a right to legal citizenship:

1st. Alien married men and women of good conduct who, having some capital invested or in property in the country, or practicing some science, art, or industry, have three years of regular residence in the Republic.

2nd. Alien men and women of good conduct, unmarried, or married if their wives or husbands do not reside in the Republic, who have the requirements of the preceding clause and five years of regular residence in the country.

3rd. Alien men and women who obtain special permission from the Assembly for notable services or outstanding merit.

Proof of residence shall be based entirely on some public or private instrument with a certified date.

The rights inherent in legal citizenship shall not be exercised by the aliens included in Clauses (A) and (B) [i.e., 1st and 2nd Clauses, above] until three years after granting them letters of naturalization.

The existence of any of the clauses for suspension referred to by Article 70 shall prevent the granting of a letter of citizenship.

ART. 67. Married aliens, men and women of good conduct, who, pos-

sessing some capital invested or in property in the country, or practicing some science, art, or industry, have had a regular residence of at least fifteen years in the Republic, have the right to vote without the necessity of previously obtaining legal citizenship.

Proof of residence shall necessarily be based upon a public or private instrument of certified date, and if the production of evidence is satisfactory to the official authorized to decide, the alien shall be qualified for the exercise of the ballot from the time he is inscribed in the civic register authorized for cerufication which, for that purpose, the same official shall maintain.

CHAPTER II

ART. 68. Every citizen is part of the sovereignty of the Nation; as such he is a voter and eligible in the cases and manner that may be described.

Suffrage shall be exercised in the form determined by law, but on the following principles:

1st. Obligatory inscription in the civic register.

2nd. Secret and obligatory ballot.

3rd. Integral proportional representation.

4th. Judicial magistrates, members of the tribunal of administrative litigation and of the tribunal of accounts, directors of autonomous entities and decentralized services, active soldiers of any rank, and police officials of any category, shall abstain under penalty of loss of office and disqualification for from two to ten years from occupying any other public office, from becoming a member of any political committee or club, from signing party manifestoes, and, in general, from committing any other public or private act of a political nature, except voting.

The electoral authorities shall be competent to recognize and apply the penalties to these electoral offenses. Charges must be made before the electoral court through the intervention of the national officials of the parties.

Without prejudice to the foregoing provision, the antecedents of all such cases shall pass through ordinary channels of justice for other purposes that may arise.

5th. The President of the Republic and members of the electoral court shall not belong to political committees or clubs, or act in the directive groups of parties, or interfere in any way in political propaganda of an electoral nature. The same provision shall govern the intendants, who shall be subjected to the penalties established in the fourth clause and under the same conditions.

6th. All elective bodies formed to take part in questions of suffrage shall be elected with the guarantees stated in this article.

7th. Every new law of civic register or of elections, as well as every modification or interpretation of those in force, shall require a vote of two-thirds

of all of the members of each Chamber. This special majority shall be required only for the guarantees of voting and the election, composition, functions, and procedures of the electoral court and electoral boards. To decide matters of expenditures, budgets, and the internal organization of the same, a simple majority shall be sufficient.

8th. The law may extend to other officials, by a vote of two-thirds of all of the members of each Chamber, the prohibitions of the fourth and fifth clauses.

ART. 69. Any Citizen may be called upon to hold public office. Legal citizens shall not be so designated until three years after a letter of citizenship has been granted.

CHAPTER III

ART. 70. Citizenship is suspended:

1st. By physical or mental incompetency that prevents free and deliberate action.

2nd. By the status of being a soldier of the line below the rank of corporal, whether he is of merit rank or a musician, cornet or trumpet player, a drummer, a gunner, or in any other capacity, with the exception of students of military academies.

3rd. By being legally involved in a criminal suit that may result in punishment by imprisonment.

4th. By not having reached eighteen years of age.

5th. By a sentence that carries a penalty of exile, jailing, imprisonment, or disqualification from the exercise of political rights during the term of punishment.

6th. By the habitual practice of morally dishonorable activities as determined by law, in accordance with Clause 7 of Article 68.

7th. By participation in social or political organizations that tend, by means of violence, to destroy the fundamental bases of nationality. The matters referred to in Sections I and II of the present Constitution shall be considered such, for the purposes of this provision.

8th. By failure to fulfill any of the requirements made by Article 66 for the granting of legal citizenship.

These last two causes for suspension shall apply only with respect to legal citizens.

CHAPTER IV

ART. 71. Nationality may not be lost even by being naturalized in another country, it being sufficient for the recovery of the exercise of the rights of citizenship, simply to be domiciled in the Republic and inscribed in the civic register.

Legal citizenship is lost by any other form of subsequent naturalization.

SECTION IV

Concerning the Form of Government and Its Different Powers

SOLE CHAPTER

ART. 72. The Nation adopts for its Government the democratic republican form.

In cases of election, initiative, and referendum, its sovereignty shall be exercised directly by the electoral body and indirectly by the representative organs established by this Constitution; all in conformity with the provisions stated in the same.

SECTION V

Concerning the Legislative Power

CHAPTER I

ART. 73. Legislative power shall be exercised by the General Assembly.

ART. 74. This shall be composed of two Chambers: one of Representatives and the other of Senators, which shall act separately or jointly, according to the different provisions of the present Constitution.

ART. 75. It is the province of the General Assembly:

1st. To formulate the codes and cause them to be published.

2nd. To establish tribunals and regulate the administration of justice.

3rd. To issue laws relative to the independence, security, tranquillity, and honor of the Republic; for the protection of all individual rights, and for the promotion of learning, agriculture, industry, and internal and foreign commerce.

4th. To establish the taxes necessary to cover the budget of expenses, to distribute them, to provide for their collection and expenditure, and to abolish, change, or increase those existing.

5th. To approve or reject, in whole or in part, the accounts presented by the Executive.

6th. To authorize, at the initiative of the Executive, the national public debt, consolidate it, designate its guarantees, and regulate the public credit, an absolute majority of the total of members of each Chamber being required in the first three cases.

7th. To declare war and, by an absolute majority of the total of members of both Chambers, to approve or reject treaties of peace, alliance, commerce, and conventions or contracts of whatever kind that the Executive may make with foreign powers.

8th. To designate each year the military strength required. Military appropriations may be increased only by an absolute majority of the members of each Chamber.

9th. To create new Departments by a majority of two-thirds of the votes of the total of members of each of the Chambers; to define the duties of each; to keep harbors navigable; to establish customs houses and duties on imports and exports, applying the provisions of Article 77 to the latter.

10th. To determine the weight, fineness, and value of coins, decide the form and denomination of the same, and to regulate the system of weights and measures.

11th. To allow or prohibit foreign troops to enter the territory of the Republic, determining in the first case the time of their departure.

The troops that may enter for the sole purpose of rendering honors, and whose entrance shall be authorized by the Executive, shall be excepted.

12th. To prohibit or approve the departure of the national forces from the Republic, determining, in the latter case, the time of their return.

13th. To create or abolish public offices, determining their duties, equipment, or retirement pensions, and to approve, reject, or decrease the budgets of expenses presented by the Executive; to grant pensions and pecuniary or other emoluments and to decree public honors for distinguished services.

14th. To grant pardons, by two-thirds of the General Assembly, and accord amnesties in extraordinary cases, by an absolute majority of the votes of the total of members of both Chambers.

15th. To formulate rules for the militia and to determine the time and number in which they should be assembled.

16th. To choose the place where the chief authorities of the Nation shall reside.

17th. To grant monopolies, requiring for them a majority of two-thirds of the votes of the total of members of each one of the Chambers.

To institute monopolies in favor of the State or of the municipalities, an absolute majority of the total of members of each Chamber is required.

18th. To elect, by a majority of those present in joint session of both Chambers, Ministers of the Supreme Court of Justice, members of the tribunal of accounts, and those of the tribunal of administrative litigation.

19th. To judge politically the conduct of Ministers of State, according to the provisions of Section VIII.

20th. To interpret the Constitution, without prejudice to the power that belongs to the Supreme Court of Justice, in accordance with Articles 229 to 232.

ART. 76. The creation and abolition of public offices and services, the establishment or modification of their remuneration, as well as authorization for expenditures, shall be made ordinarily by means of the general budget, subject to the provisions established in Section XII.

Any other law that involves expenditures from the National treasury shall indicate the means by which they shall be covered; but the initiative

for the creation of offices, increases in remuneration of retirement pensions, and distribution and increase of pensions or financial remuneration, shall be the particular jurisdiction of the Executive.

ART. 77. An absolute majority vote of the total of members of each Chamber shall be required to levy taxes.

CHAPTER II

ART. 78. The Chamber of Representatives shall be composed of ninety-nine members, elected directly by the people, in accordance with a system of proportional representation in which the votes cast in favor of each ticket in the whole country are taken into account.

Each Department shall have at least two Representatives.

The number of Representatives may be modified by a law, that shall require for its approval a majority of two-thirds of the votes of the total of members of each Chamber.

ART. 79. Ordinary elections for Representatives shall be held the last Sunday of the month of November in all the territory of the Republic.

ART. 80. Representatives shall continue in their functions for four years, and their election shall coincide with that of the President of the Republic, Senators, intendants, and departmental boards, without prejudice to the provisions of Article 140.

ART. 81. To be a Representative it is necessary to be a natural-born citizen in full exercise of his rights, or a legal citizen with five years of exercise of his rights, and, in both cases, to be twenty-five years of age.

ART. 82. The following cannot be Representatives:

1st. Members of the Judiciary, of the tribunal of accounts and of that of administrative litigation, intendants, members of departmental boards, of the electoral court, and paid members of the councils or directive boards of autonomous entities.

2nd. Military or civil employees earning a salary for services rendered the Legislature, Executive, or Judiciary, the electoral court, the tribunal of accounts and that of administrative litigation, the municipalities, and the autonomous entities, with the exception of those retired or pensioned. This provision shall not apply to those who hold university positions, instructors, or university technical experts with teaching functions. If the person elected chooses to continue in these positions, it shall be in an honorary capacity for as long as his appointment lasts. Military men who resign their commissions and salary to enter the legislative body shall retain their rank, but as long as their legislative duties continue, they cannot be promoted; they shall be exempt from all military orders, and the time occupied with legislative functions shall not be counted when promotion is made by seniority.

ART. 83. The following cannot be candidates for Representative: the Presi-

dent of the Republic, intendants, police chiefs and judges, and prosecuting attorneys in the Departments in which they discharge their functions, military men in the district where they hold command of forces or engage in any military activity, unless they resign their offices three months before the election.

ART. 84. It is the exclusive right of the Chamber of Representatives to accuse before the Senate the President of the Republic and Ministers of State, members of both Chambers, of the Supreme Court of Justice, and of the tribunal of administrative litigation, for offenses of treason, extortion, malversation of public funds, violation of the Constitution, or other serious offenses, after having examined a petition from a portion or from one of its members, and declaring that there is ground for the holding of a trial.

CHAPTER III

ART. 85. The Chamber of Senators shall be composed of thirty members elected directly by the people in a single electoral district in accordance with the guarantees established for suffrage in Section III and in conformity with the provisions of the following articles.

The person exercising its presidency, with a voice and vote, shall be the Vice-President of the Republic.

ART. 86. The thirty Senators shall be elected by a system of proportional integral representation.

ART. 87. The distribution of senatorships obtained by the different sub-tickets within the same party ticket shall be made proportionally to the number of votes cast in favor of the respective lists.

ART. 88. Senators shall continue in their functions for four years, and their election shall be in conformity with what is provided in Articles 79 and 80.

ART. 89. To be a Senator, active native citizenship, or legal citizenship with seven years of active participation, is required, and an age of more than thirty years.

ART. 90. The exclusive qualifications that have been imposed on Representatives by Articles 82 and 83 shall apply also to Senators.

ART. 91. A citizen who may be elected both Senator and Representative shall choose which of the offices he prefers.

ART. 92. The Senate shall open public trial against those accused by the Chamber of Representatives, and shall pronounce sentence with the concurrence of at least two-thirds of the vote, which shall have the sole effect of removing them from their offices.

ART. 93. The adjudged and convicted party is, however, subject to accusation, trial, and punishment in conformity with the law.

SECTION VI

*Concerning Sessions of the General Assembly—Provisions
Common to Both Chambers; Concerning
the Permanent Committee*

CHAPTER I

ART. 94. The General Assembly shall begin its sessions on March 15th of each year, remaining in session until December 15th, or only until October 15th in case there was an election of legislators, in which case the new Assembly must begin its sessions the following February 15th.

The Assembly shall meet on the dates mentioned without the necessity of special convocation by the Executive and, until the Vice-President of the Republic takes possession of his office, the first incumbent on the list of Senators with the most votes on the ticket with the most votes shall preside over sessions of the Assembly and those of the Senate.

Only for important and urgent reasons shall the General Assembly or either one of the Chambers, as well as the Executive, cut short the recess, and for the exclusive purpose of dealing with affairs that caused the convocation.

CHAPTER II

ART. 95. Each Chamber shall be the exclusive judge of the qualifications of election of its members.

The Chambers shall be governed internally by the regulations formulated by each one respectively and, in joint session, by those of the General Assembly.

ART. 96. Pensions granted shall be authorized by means of a secret vote.

The regulations of each Chamber and of the General Assembly may extend this system to cases of pardons and appointments.

ART. 97. Each Chamber shall elect its president and vice-president, with the exception of the president of the Senate, which office shall be filled according to the provisions of Articles 85, final paragraph, 94, and 147.

ART. 98. In cases of temporary or permanent vacancy in the presidency of the Senate, the office shall be discharged by the first vice-president of that body, who shall also discharge the presidency of the General Assembly.

In such a case, the Senate shall complete its quota of members by the first substitute belonging to the ticket receiving the most votes of the party that elected the Vice-President of the Republic, following the preferred order in its positions.

In case the ticket on which the Vice-President of the Republic was elected does not have representation in the Senate, the first substitute on the same list as the Vice-President of the Republic who has the most votes on the ticket

that obtained the greatest number of votes in the election of Senators, following the preferred order of their positions on it, shall be called.

ART. 99. Each one of the Chambers shall appoint its secretaries and the personnel subordinate to it, shall determine its annual expenses by absolute majority vote of the total of its members, and shall inform the Executive thereof so that they may be included in the general budget.

ART. 100. Neither of the Chambers shall open its sessions unless more than one-half of its members are present, and if this quorum is not completed on the day indicated by the Constitution, the minority shall assemble to compel the attendance of those absent, under the penalties agreed upon.

ART. 101. The Chambers shall communicate in writing between themselves and with the other branches by means of their respective presidents and with the authorization of a secretary.

ART. 102. Senators and Representatives shall never be held responsible for the votes they cast or the opinions they express during the discharge of their functions.

ART. 103. No Senator or Representative shall, from the day of his election until the end of his term of office, be arrested unless apprehended *in flagrante delicto*, and then a report shall be sent to his respective Chamber immediately with a summary account of the action.

ART. 104. No Senator or Representative shall, from the day of his election until the end of his term of office, be criminally accused, not even for common offenses, except those listed in Article 84, and then only before his respective Chamber, which shall, by a vote of two-thirds of the total of its members, decide whether or not there is cause for institution of a suit, and, in an affirmative case, shall declare him suspended in his functions and he shall be placed at the disposition of a competent tribunal.

ART. 105. Either Chamber may also punish any of its members for disorderly conduct in the discharge of their functions, and may suspend them in the exercise of the same by a vote of two-thirds of the total of its members.

A member may be removed by the same number of votes for physical disability or mental incapacity developing after his election.

A majority of one more than one-half of the votes of those present shall be sufficient for acceptance of voluntary resignations.

ART. 106. Every legislator may request any data or information he may deem necessary for the exercise of his office from Ministers of State, the Supreme Court of Justice, the electoral court, the tribunal of accounts, and that of administrative litigation. The request shall be made in writing and through the intervention of the president of the respective Chamber, which shall be immediately transmitted to the proper agency. If the latter does not furnish the information within the time fixed by law, the legislator may solicit it through the intervention of the Chamber to which he belongs, abiding by the decision of the latter.

Matters falling within the jurisdiction of the Judiciary or in that of the tribunal of administrative litigation may not be the subject of said request.

ART. 107. Either one of the Chambers has the right, by resolution of one-third of the total of its members, to summon Ministers of State to its hall to solicit and receive from them information that they consider desirable, whether it be for legislative, investigative, or financial purposes, without prejudice to what is provided in Section VIII.

When this information refers to autonomous entities or decentralized services, the Ministers may require the added assistance of a representative of the respective council or board of directors.

ART. 108. The Chambers may appoint parliamentary committees of investigation or for the supplying of data for legislative purposes.

ART. 109. In the cases covered by the three preceding articles, either of the Chambers may render decisions without prejudice to what is provided in Section VIII.

ART. 110. Senators and Representatives, after they have become members of their respective Chambers, shall not accept salaried positions from departments of the State, of the municipalities, of the autonomous entities, or from any other public agency, or engage in paid service of any kind whatever for them without consent of the Chamber to which they belong; in all such cases their membership shall cease by the act of accepting such position or performing such service.

This provision does not include Senators and Representatives called to discharge the offices of Ministers or Subsecretaries of State. In this case, they shall be suspended from their legislative functions, the respective substitute serving for them during the suspension.

ART. 111. The legislative function is also incompatible with the exercise of any other public elective position, whatever may be its nature.

ART. 112. Senators and Representatives shall not, during their term of office:

1st. Take part as directors, administrators, or employees in enterprises that contract for works or supplies with the State, the municipalities, autonomous entities, or with any other public agency.

2nd. Transact or direct affairs of third parties before the central administration, the municipalities, and autonomous entities.

Violation of the provisions of this article shall cause the immediate loss of legislative office.

ART. 113. The incompatibility expressed in the first clause of Article 110 shall affect Senators and Representatives until one year following the termination of their office, except by express authorization of the respective Chamber.

ART. 114. Vacancies occurring in any legislative session for any cause shall be filled by the substitutes designated at the time of elections, in the manner provided by law, and without new elections being held.

The law may also authorize the calling of the substitutes because of a temporary failure to attend or because of a leave of absence of incumbent legislators.

ART. 115. Senators and Representatives shall be compensated for their services by a monthly stipend which they shall receive during their term of office, and which shall be fixed by a vote of two-thirds of the Assembly and by special resolution in the last term of each legislative session, for the members of the next. Said compensation shall be paid them in full entirely independently of the Executive.

CHAPTER III

ART. 116. There shall be a permanent committee composed of four Senators and seven Representatives elected by proportional vote, nominated in the one and the other case by their respective Chambers. A Senator from the majority shall be president of the committee.

This designation shall be made annually within the first fifteen days of the organization of the General Assembly or during the first fifteen days of each term of the regular sessions of the Legislature.

ART. 117. At the same time that this election is held, a substitute for each one of the eleven members shall be elected, who shall fulfill the functions of the incumbents in case of illness, death, or other cause.

ART. 118. The permanent committee shall watch over the observance of the Constitution and the laws, giving the Executive proper warnings in this respect, under the responsibility of the existing General Assembly or the next, as the case may be.

ART. 119. In case such advice is ineffective, even when given a second time, the permanent committee may, by itself, considering the importance or seriousness of the matter, convene the General Assembly in regular or extraordinary session.

In case the Parliament has been dissolved, it shall give an account to the General Assembly as soon as the new Chambers are formed.

ART. 120. The permanent committee shall exercise its functions while the General Assembly is in recess and until it is reconvened in regular session.

Nevertheless, the recess being broken and while an extraordinary session continues, the General Assembly or either of the Chambers may, when it so resolves, assume jurisdiction over matters within its competence, that have met with consideration from the permanent committee, upon previous communication to this body.

If the General Assembly has been dissolved the permanent committee shall continue to act in its place until the one elected has been organized.

If the powers of the Senators and Representatives should have lapsed, by the expiration of the constitutional term, without the newly elected Senators and Representatives having been proclaimed, the permanent committee in

office shall continue in the functions conferred upon it in this chapter, until the organization of the new Chambers.

In this case, upon the organization of each one of the Chambers it shall proceed to effect the designation of the new members of the permanent committee.

ART. 121. The permanent committee shall also grant or refuse its approval whenever requested by the Executive according to the present Constitution, and with regard to the power granted to the Chambers in Articles 106 and those following, without prejudice to what is provided in Clause 14 of Article 157.

SECTION VII

Concerning the Proposal, Discussion, Passage, and Promulgation of Laws

CHAPTER I

ART. 122. Any bill may have its origin in either of the two Chambers, in consequence of proposals made by any of their members, or by the Executive by means of his Ministers, without prejudice to what is provided in Clause 6 of Article 75, and in Article 76.

CHAPTER II

ART. 123. If the Chamber in which the bill originated approves it, it shall pass to the other Chamber for discussion leading to its approval, its reform, its amendment, or rejection.

ART. 124. If either of the two Chambers to which a bill was sent returns it with additions or objections and the Chamber so remitting is agreeable to them, an answer to this effect shall be sent and the bill shall then pass to the Executive; but if the remitting Chamber finds them unjust and insists upon leaving the bill as it was when first sent, it can, in such cases, by official means, request a joint session of both Chambers and, after discussion, a decision shall be made by two-thirds vote, the differing bills being amended or a new one approved.

ART. 125. If the Chamber to which the bill was sent has no objections, it shall be passed and, after informing the remitting Chamber, it shall pass to the Executive to be published.

Bills not approved by one or the other Chamber during the same legislative term shall be considered as having originated in the Chamber that subsequently approved them.

ART. 126. When the Executive receives a bill to which he has objections or on which he wishes to make observations, he shall return it with comment to the General Assembly within the definite period of ten days.

ART. 127. When a bill is returned by the Executive with objections or

observations, the General Assembly shall be convoked and a decision made by three-fifths of the members present.

ART. 128. Should the observations of the Executive refer to any one part of the bill, and if the Assembly accepts, it may ratify the bill by an absolute majority of those present by adjusting the former.

ART. 129. If the joint Chambers disapprove the bill returned by the Executive, it shall be held in temporary abeyance and cannot be presented anew until the following legislative term.

ART. 130. In every case of reconsideration of a bill returned by the Executive, the votes shall be yea and nay by roll call, and both the names of the voters and their reasons for voting, as well as the objections or observations of the Executive, shall be published immediately by the press.

ART. 131. When a bill has been rejected first by the Chamber to which it was sent, it shall remain in temporary abeyance and cannot be presented again until the following term of the Legislature.

CHAPTER III

ART. 132. If the Executive, to whom a bill has been sent, has no objections to make to it, he shall so advise immediately, and by this act the bill shall be approved and dispatched to be promulgated without delay.

ART. 133. If the Executive does not return the bill after the ten days stipulated by Article 126 have elapsed, it shall have the force of law and shall be enforced as such, the remitting Chamber demanding this in case of oversight.

ART. 134. After a bill has been returned by the Executive with objections or comments and the joint Chambers have reconsidered and passed it again, its final approval shall be assumed, and after the Executive is so informed it shall immediately be promulgated without further observations.

CHAPTER IV

ART. 135. This formula shall always be used, in approving a law, for its promulgation:

"The Senate and Chamber of Representatives of the Eastern Republic of Uruguay, united in General Assembly, etc., etc., decree:"

SECTION VIII

Concerning the Relations between the Legislature and the Executive

SOLE CHAPTER

ART. 136. The General Assembly, at the request of either of the Chambers, may judge politically the conduct of the Ministers of State, denouncing their administrative or governmental acts.

ART. 137. The request may be made by either of the Chambers, by an absolute majority of those present, and once communicated, the General Assembly shall be convened, with a summons of at least seven days.

ART. 138. The disapproval may be collective or not, but in one or the other case, it shall be pronounced by an absolute majority of the members of the General Assembly in special public session. However, when circumstances so require, it may decide upon a secret session.

It shall be understood that collective disapproval is that which affects a majority of the Cabinet.

ART. 139. Disapproval by the General Assembly shall cause the resignation of the Ministers or of the Council, as the case may be.

ART. 140. The President of the Republic may comment upon the vote of disapproval when it is pronounced by less than two-thirds of the total of members of the General Assembly.

If the latter continues its vote by a proportion less than three-fifths of the total of members of both Chambers, the President of the Republic may dissolve the Chambers. In such case, he shall call for elections, which shall be held within a period of sixty days from the date of the decree of dissolution.

Dealing with a disapproval that is not collective, the President of the Republic may exercise this power only once during the term of his office.

The decree of dissolution and that of holding new elections shall be issued simultaneously.

ART. 141. From the time the Executive fails to enforce the decree for holding new elections, the dissolved Chambers shall reconvene, of full right, and shall recover their constitutional authority as a legitimate organ of the State, and the Council of Ministers shall fall.

ART. 142. Within fifteen days of its organization, which shall be consummated without a previous call by the Executive, the new General Assembly shall uphold or revoke the vote of disapproval by an absolute majority of its members.

If it is upheld, the President of the Republic and the Council of Ministers shall fall.

ART. 143. The Chambers elected by the special elections shall complete the regular term of those dissolved.

ART. 144. The President of the Republic may not dissolve the Chambers in the last six months of his term.

The General Assembly can vote its disapproval, for the purposes of Article 139, during this same period, only when it is enacted by two-thirds or more of the total of its members.

SECTION IX

Concerning the Executive Power

CHAPTER I

ART. 145. The executive power shall be exercised by the President of the Republic who shall act with a Council of Ministers, in accordance with the provisions established in this section and those following.

ART. 146. There shall be a Vice-President who, in all cases of temporary or permanent vacancy in the presidency, shall discharge the office, with the same powers and attributes as the President. If the vacancy is permanent, he shall discharge the office until the end of the presidential term.

ART. 147. The Vice-President of the Republic shall discharge the presidency of the Senate and of the General Assembly.

CHAPTER II

ART. 148. The President and Vice-President of the Republic shall be elected together and directly by the people by a simple majority of voters, by means of the system of the double simultaneous vote, and in no case may a cumulation of sub-tickets be formed. Furthermore, the guarantees established for suffrage in Section III shall be enforced, the Republic being considered as a single electoral district.

The election shall be held on the last Sunday of the month of November, and only active native citizens who are more than thirty-five years of age may be elected.

ART. 149. The President and Vice-President shall continue in their functions for four years, and to return to the discharge of the offices it is necessary that four years must have elapsed from the date of expiration of the previous term. This rule applies to the President with respect to the vice-presidency and not to the Vice-President with respect to the presidency, except in the case of the following clauses.

A Vice-President who has discharged the presidency for more than one year, because of a permanent vacancy in that office, cannot return to occupy the former or the latter unless the same period of time established by the previous clause has elapsed.

A Vice-President who has exercised the presidency during the period including the three months previous to elections cannot be elected President.

ART. 150. At the opening of each legislative term, the General Assembly, in joint session of both Chambers, shall, by an absolute majority of the total of its members, designate the citizen who shall discharge the presidency with the same powers and attributes as established in Article 146, in the chance circumstance of an entire default in the presidency of the Republic because of

temporary or permanent vacancy in the office, for leave of absence, resignation, or death of the President and Vice-President.

When it may be necessary to designate a substitute for the citizen elected in accordance with the present provision, the General Assembly may, at any time and with the same formalities, elect the one who is to replace him.

If, at the time the vacancy occurs, the General Assembly has not yet made the designation referred to in the preceding paragraphs, the president of the Supreme Court of Justice shall assume the office of President of the Republic, and shall convene the General Assembly; and if the latter has not made the designation by the third day, he shall call elections for President and Vice-President of the Republic within the following sixty days.

This call shall not take place if the aforementioned case arises within the last year of the presidential term, the president of the Supreme Court of Justice then discharging the presidency of the Republic until the end of the term.

ART. 151. The salaries of the President and the Vice-President shall be fixed by law previous to each election, and they may not be altered during the discharge of their offices.

ART. 152. The General Assembly elected simultaneously with the President and Vice-President of the Republic shall, in joint session of both Chambers, be the judge of the election of the two.

A vote of an absolute majority of all of the members of both Chambers shall be required to annul this election totally or partially.

In such a case, a new election, total or partial, shall be held within sixty days.

If no proposal for the annulment of the election is made, or if, though presented, it is not approved, the candidates who obtained the majority of votes in the election held shall be considered as elected.

ART. 153. If the candidates for President and Vice-President of the Republic die or resign in the interval between the date of the election and that of taking possession of the office, a new election shall be called and shall be held in the form determined by Articles 152 and 154.

If only the President-elect dies or resigns, the Vice-President-elect shall succeed him for the complete term of the office.

If the deceased or resigned person was the candidate for Vice-President, or if, on account of the death or resignation of the President, the former is called to occupy the presidency, the General Assembly, in joint session of both Chambers, and by an absolute majority of its members, shall designate a citizen, who cannot be a legislator, as Vice-President of the Republic for the full term. If he is a legislator, he shall cease as such, being succeeded by his respective substitute.

ART. 154. If the General Assembly has not attended to the election of President and Vice-President by the date indicated by the Constitution for the transfer of the presidential office, or if the election has been declared annulled

either partially or completely, and also in the case anticipated by the first clause of Article 153, the retiring President shall delegate the office to the president of the Supreme Court of Justice, who shall act until the transfer is made, and in the meantime his judicial functions shall be suspended.

ART. 155. The President and Vice-President of the Republic shall take possession of their offices on the March 1st following their election, having previously taken the following oath in the presence of both Chambers united in General Assembly:

"I, ———, on my honor promise faithfully to discharge the office that has been confided to me and to guard and defend the Constitution of the Republic."

ART. 156. The President of the Republic shall serve as the representative of the State internally and in foreign affairs.

CHAPTER III

ART. 157. The following are the duties of the President of the Republic, acting with a Minister or with respective Ministers, or with the Council of Ministers, according to the provisions of Article 174 and those relating thereto:

1st. The preservation of order and internal tranquillity and of external security.

2nd. The supreme command of all armed forces.

3rd. To grant retirements, leaves of absence, and pensions to civil and military employees, according to the law.

4th. To publish and circulate without delay all the laws ready for this stage according to Section VII, enforcing them or causing them to be enforced, and issuing the special regulations that may be necessary for their enforcement.

5th. To inform the Legislature, at the beginning of regular sessions, of the state of the Republic and to suggest improvements and reforms that he considers deserving of their attention.

6th. To make objections or suggestions in regard to bills remitted to him by the Legislature, and to suspend or prevent their promulgation, in the form specified by Section VII.

7th. To propose bills to the Chambers, or modifications of those previously ordered.

8th. To convene the Legislature in extraordinary sessions to determine the matters referred to in the call, in accordance with what is established by Article 94.

9th. To fill civil and military positions, in conformity with the Constitution and the laws.

10th. To discharge employees for inefficiency and offenses of omission or commission, with the approval of the Senate in all cases or, in its recess, with that of the permanent committee, and, as a last recourse, passing the proceedings to a court of justice.

Diplomatic and consular officials may also be removed, with the approval of the Senate, for the commission of acts that affect their good name, the prestige of the country, or the representation conferred upon them. Should the Senate or the permanent committee fail to enact a definite resolution on the matter within ninety days, the Executive shall omit the approval requested for the removal.

11th. To make military promotions in conformity with the law, but the approval of the Senate or, in its recess, of the permanent committee, is required for the rank of colonel and other superior officers.

12th. To appoint the consular and diplomatic personnel, with the obligation of requesting approval from the Senate, or from the permanent committee, should the former be in recess, for the appointment of chiefs of mission.

13th. To appoint and remove police chiefs.

14th. To appoint the Attorney General of the Court and other prosecuting attorneys of the Republic, with the approval of the Senate, or of the permanent committee in case of the dissolution of the Parliament, always confirmed by a three-fifths vote of the total of members.

Approval shall not be necessary for the appointment of prosecuting attorneys of Government and those of the treasury.

15th. To cause to be removed, military, police, and other officers declared removable by law, requiring for such an action an absolute majority of the total of members of each Chamber.

16th. To receive diplomatic agents and to authorize foreign consuls to perform their functions.

17th. To decree the rupturing of relations, and, through a previous resolution of the General Assembly, to declare war if arbitration or other peaceful measures do not serve to avoid it.

18th. To take immediate measures for security in the serious and unforeseen circumstance of foreign attack or internal disturbance, giving an account within twenty-four hours to the General Assembly, or, in its recess, to the permanent committee, of what he has done and his reasons therefor, proceeding as the latter bodies recommend.

With regard to persons, the prompt measures of security only authorize their arrest or transfer from one point to another within the territory, provided they do not choose to leave it. This measure also, like the others, must be submitted, within twenty-four hours of its adoption, to the General Assembly or to the permanent committee, as the case may be, and its decision accepted.

19th. To collect the income that, in conformity with the law, should accrue from subordinate agencies, and to remit it to the offices to which it properly belongs.

20th. To prepare and present annually to the Assembly the general budget of expenses for the ensuing year, according to the provisions established by

the respective section, and to give an accurate account of the expenditures made during the previous year.

21st. To conclude and sign treaties, the approval of the Legislature being necessary for their ratification.

22nd. To grant industrial privileges, in conformity with the law.

23rd. To authorize or prohibit the creation of any banks that may be established.

24th. To supply, at the demand of the Judiciary, the assistance of the public forces.

CHAPTER IV

ART. 158. The President of the Republic shall not leave the territory of the same for more than forty-eight hours without authorization from both Chambers, united in General Assembly.

ART. 159. He may not authorize receipt of payments for any other claim than those of active service, old-age pensions, retirement pensions, or widows' and orphans' pensions, in conformity with the law; nor may he issue orders without the signature of the respective Minister, without which requirement no one is obliged to obey them.

ART. 160. The President of the Republic may be accused only in the form indicated in Article 84, and furthermore, only during the exercise of the office or within the six months following the expiration of the same, during which time he shall be required to retain his residence, except with authorization to leave the country, granted by an absolute majority of votes of both Chambers, united in General Assembly.

When the accusation is approved by two-thirds of the votes of the Chamber of Representatives, the President shall be suspended from the exercise of his functions.

SECTION X

Concerning the Ministers of State

CHAPTER I

ART. 161. There shall be nine ministries, each one of which shall have its own denomination and the powers and jurisdiction with respect to matters that the law prescribes, as enacted by an absolute majority of the total of members of each one of the Chambers.

The law may change their number, requiring, in every case, the approving vote of two-thirds of the total of members of each Chamber.

ART. 162. The President of the Republic shall bestow and distribute the ministries among the citizens who are able to depend on the support of their parliamentary sector, thereby assuring their permanence in office.

Nevertheless, he may always distribute four ministries in the ticket of the party that elected him.

He may also remove Ministers, replacing them as provided by the preceding paragraph.

It will be done, furthermore, according to what is provided by Section VIII.

ART. 163. The Minister or Ministers shall be responsible for the decrees or orders that they sign or issue together with the President, except in the case of an express resolution of the Council of Ministers, in which case the responsibility shall fall only to those who have made the resolution, which shall be effective in conformity with Articles 84 and 92.

ART. 164. The same qualifications shall be required for a Minister as for a Representative.

ART. 165. The Ministers shall, at the beginning of each legislative term, give a concise report to the General Assembly on the state of all matters concerning their respective departments.

ART. 166. At the termination of their functions, Ministers shall be required to keep their same residence for six months, and not to leave the territory of the Republic, unless authorization is granted by an absolute majority of votes of both Chambers, united in General Assembly.

ART. 167. Ministers shall not be free from responsibility for offenses even though they obtain a written or verbal exemption from the President of the Republic or from the Council of Ministers.

ART. 168. The status of legislator is not necessary for a Minister or a Subsecretary of State.

ART. 169. Ministers, even though they may not be legislators, may attend sessions of the Chambers and of its permanent or special committees and may take part in discussions, but shall not have a vote.

Subsecretaries of State shall have the same right to attend committee meetings when the respective Ministers so agree, and also, by action of the same, to attend sessions of the Chambers together with them.

In both cases the Subsecretaries of State shall act under the responsibility of the Ministers.

ART. 170. The duties of Ministers in their respective departments, and in conformity with the laws and the provisions of the Executive, are:

1st. To cause the Constitution, laws, decrees, and resolutions to be enforced.

2nd. To prepare and submit for higher consideration the bills, decrees, and resolutions that they deem necessary.

3rd. To provide, within the limits of their competence, for the payment of any recognized debts of the State.

4th. To grant leaves of absence to employees in their departments.

5th. To propose the appointment or removal of employees in their divisions.

6th. To watch administrative management, to adopt adequate measures for its proper operation, and to impose disciplinary penalties.

7th. To sign and announce decisions of the Executive.

ART. 171. The functions of the Ministers and Subsecretaries shall be regulated by the Executive.

CHAPTER II

ART. 172. Each ministry shall have a Subsecretary who shall assume office with the Minister, and at his proposal, and shall leave office with him, except for a new appointment.

ART. 173. In case of leave of absence of the Ministers, the Subsecretaries shall transact the affairs of their respective departments with the President of the Republic, countersign decrees, and attend meetings of the Council of Ministers.

SECTION XI

Concerning the Council of Ministers

SOLE CHAPTER

ART. 174. The Council of Ministers shall consist of the holders of the respective portfolios or their substitutes, and shall have special jurisdiction over all the governmental and administrative acts that the President of the Republic or any of his Ministers execute among themselves.

It shall operate under the chairmanship of the President of the Republic, who shall have a voice in its deliberations and a vote in its decisions, which shall be decisive in the event of a tie, even though this was produced as the result of his own vote.

ART. 175. The Council shall hold meetings with an attendance of a majority of its members and it shall always be governed by an absolute majority of votes of members present.

At any moment, and by the same majority, adjournment of a meeting may be made. The motion for this purpose shall not be discussed.

ART. 176. All decisions of the Council may be revoked by an absolute majority of its members.

Decisions originally approved by the President of the Republic, together with the respective Minister or Ministers, may be revoked by the Council by an absolute majority of those present.

ART. 177. The Council of Ministers shall formulate its by-laws.

SECTION XII

Concerning the Autonomous Entities or Decentralized Services

SOLE CHAPTER

ART. 178. The various services that constitute the industrial and commercial domain of the State, and superior, secondary, primary, and normal education, shall be administered by councils or autonomous directorates.

ART. 179. The services listed below shall not be decentralized in the form of autonomous entities, even though the law may grant them a degree of autonomy compatible with control by the Executive: posts and telegraph, railways, administration of customs houses and harbors, and public health.

ART. 180. Councils or directorates enjoying an income shall be composed of not less than three nor more than five members, as the law establishes in each case, and shall be designated by the Executive with the approval of the Council of Ministers, with the previous consent of the Senate, granted by three-fifths of the votes of the total of its members, on a motion to this effect.

The law, by three-fifths of the votes of the total of members of each Chamber, may pronounce these offices to be of an elective character, selecting for each council or directorate the persons or agencies interested in the service that shall carry out this election.

ART. 181. For the law to permit private investment for constituting or increasing the capital of autonomous entities or decentralized services, as well as to regulate the part that the respective stockholders shall have in the councils or directorates, three-fifths of the votes of the total of members of each Chamber shall be necessary.

The amount of private funds invested, and the representation of the same in the councils or directorates, shall never be greater than those of the State.

ART. 182. To create new autonomous entities, or abolish those already existing, two-thirds of the votes of the total of members of each Chamber shall be required.

ART. 183. Autonomous entities or decentralized services shall not engage in affairs foreign to the business assigned to them by law, nor use their resources for purposes alien to their normal activities.

The law shall determine the conditions and circumstances under which they may acquire real property, for which an affirmative vote of four members of the respective councils or directorates shall always be necessary, if they are composed of five members, and a unanimous vote if they are composed of three members.

ART. 184. All autonomous administrations shall periodically publish statements that reflect clearly their financial condition. The law shall determine the annual form and number of these, and all must carry the counter-signature of the tribunal of accounts.

ART. 185. Members of the councils or directorates shall continue in office four years. However, they shall continue in the exercise of their functions until those who are to replace them are designated.

They may be re-elected, provided their work has merited the favorable judgment of the tribunal of accounts.

ART. 186. The retiring councils or directorates shall render an account of their operations to the Executive, with a previous opinion from the tribunal of accounts, without prejudice to the responsibilities involved, in accordance with what is provided in Section XIII.

ART. 187. When the Executive considers the operations of the councils or directorates improper or illegal he shall make the suggestions he deems pertinent. If they are ignored, the Executive may report them to the Senate and also propose changes or request removals, as the case may require. The Senate shall decide these matters by three-fifths of the votes of the total of its members.

The law shall regulate the powers of the Executive to which this article refers.

ART. 188. The provisions in the previous article do not impair the authority of the Executive to carry out the removal of councilors or directors in case of incapacity, negligence, or transgression in the conduct of the office; or because of the commission of acts that affect their good name or the prestige of the institution to which they belong.

The dismissal shall be pronounced by three-fifths of the votes of the total of members of the Senate.

ART. 189. An absolute majority of the members of both Chambers shall be required to amend the organic charter of State banks.

ART. 190. Members of the councils or directorates of the autonomous entities or decentralized services may not be appointed to offices or be accorded honors that directly or indirectly proceed from the institution of which they form a part.

This prohibition shall continue until one year after the actions causing it have ended, no matter what may be the reason for the cessation, and shall extend to every other position, professional or not, although it may not have a permanent character or any fixed remuneration.

Members of the councils or directorates of autonomous entities shall not simultaneously practice professions or engage in activities that are directly or indirectly related to the institution to which they belong.

The provisions of the two previous clauses do not apply to the profession of teaching.

SECTION XIII

Concerning the Public Treasury

SOLE CHAPTER

ART. 191. All ordinary revenues and expenditures of the State shall be anticipated and established, for each fiscal year, in a single budget, which, during the time it is in force, can be modified only by a special law, initiated by the Executive, for the exclusive purpose of altering the use of the authorized items or to open new supplementary credits.

All the expenditures not referred to in the previous paragraph may be made at the initiative of the Legislature, subject to the provisions of Section V.

ART. 192. The Judiciary, the tribunal of administrative litigation, the electoral court, the decentralized services, and the autonomous entities, with the exception of those included in Article 193, shall prepare their respective budgets and present them to the Executive, who shall incorporate them in the bill for the general budget. The Executive may modify the original plans and submit these, together with the modifications, to the Legislature.

ART. 193. The budgets of the State industrial or commercial entities shall be planned by each one of them, and submitted for the approval of the Executive, with the previous opinion of the tribunal of accounts. The Executive may review the budgets and, in this case, as well as in those in which comments from the tribunal of accounts have been interjected, he shall return them to the respective entity.

If the entity accepts the recommendations of the Executive, and the decisions of the tribunal of accounts, it shall return the document to the Executive for approval and inclusion in the budget.

The agreement established in the previous paragraph not having been reached, the budget plans shall be sent to the Legislature, with the collection of documents, to decide any discrepancies and general items, subject to the provisions of Article 197.

The opinion of the tribunal of accounts requires the affirmative vote of at least four of its members, and shall be communicated to the respective entity within the definite period established by law.

Approved budgets shall be incorporated into the general budget of expenditures for purposes of information.

The law shall fix, on the basis of previous information from the specified entities and the tribunal of accounts and the opinion of the Executive, the percentages that each entity may apportion for salaries and expenses of management and administration.

ART. 194. A special section in the general budget shall be established by law which shall include the permanent regular expenses of the administration, and its annual revision shall not be necessary.

If the cost of enforcement of provisions exceeds what they produce when economically exercised, or if provisions do not refer exclusively to the interpretation and execution of a law, they shall not be included in the law of the general budget.

ART. 195. The form in which the general budget is made, and the dates for its presentation and approval, shall be fixed by the accountancy law, which shall also determine the penalties to which violation of its provisions shall give rise.

ART. 196. Budget plans for all agencies of the State, municipalities, de-

centralized services, and autonomous entities, whatever their nature, shall be sent to the Executive, or to the Parliament when they pertain to it, in a form similar to the budget in force.

ART. 197. The Legislature shall not increase the allocation for salaries and expenses included in the bill for the general budget submitted by the Executive.

ART. 198. Supervision in the execution of the budgets, and the functions of comptroller in all transactions relating to the public treasury, shall be the duty of the tribunal of accounts of the Republic, which shall act separately. The regulation of the autonomy of the tribunal, as well as the assignment of duties not specified in this chapter, will be determined by the law that creates the tribunal.

ART. 199. The tribunal of accounts shall be composed of five members who possess the same qualifications as this Constitution requires for a Senator, and shall be appointed in the same manner as Ministers of the Supreme Court of Justice.

The disqualifications listed in Articles 110, 111, 112, and 113 shall apply to them also.

They shall continue in their functions for four years and may be re-elected. There shall be respective substitutes in case of vacancies, temporary incapacity, and leave of absence of the incumbents.

ART. 200. Members of the tribunal of accounts are responsible, before the General Assembly, in joint session of both Chambers, for the faithful and exact performance of their duties. The General Assembly may dismiss them, in case of inefficiency, neglect, or misdemeanors, with the agreement of two-thirds of the votes of the total of its members.

ART. 201. Duties of the tribunal of accounts are:*

1st. To pass judgment and report on budget matters.

2nd. To intervene preventively in regard to expenditures and payments, in conformity with regulative standards established by law, for the sole purpose of certifying their legality, making the appropriate comments as the case may require. If the person giving the respective order insists, it shall be reported to the tribunal without obligation to fulfill the order.

If the tribunal of accounts in turn confirms its comments, it shall give detailed information to the General Assembly, to the body acting in that capacity, for its purposes.

The duties to which this clause refers may be performed for the same purposes in municipalities, decentralized services, and autonomous entities by means of their respective comptrollers or officials who act as such in these transactions under the supervision of the tribunal of accounts, subject to the provisions of the law, which may extend this regulation to other public services dealing with administration of funds.

3rd. To pass judgment and report with respect to the rendition of ac-

counts and transactions of all agencies of the State, including municipalities, decentralized services, or autonomous entities, of whatever nature they may be, and also in suits brought for liability, making pertinent comments and observations.

4th. To present to the General Assembly an annual report relative to the rendition of accounts as established by the previous clause.

5th. To intervene in everything relative to the financial transactions of the agencies of the State, municipalities, and services to which Clause (C) [i.e., 3rd clause, above] refers, and to denounce before the proper persons, all irregularities in the management of public funds or violations of budget and accounting laws.

6th. To prescribe accounting systems that shall have obligatory force in all agencies of the State, municipalities, decentralized services, or autonomous entities, of whatever nature they may be.

7th. To prepare its budget, which shall be sent to the Executive to be included in the general budget of expenses. The Executive shall remit it to the Parliament for its acceptance, with the amendments he deems necessary.

ART. 202. The tribunal of accounts shall have supervision over everything regarding matters entrusted to it, subject to what is established by its organic law, over all accounting offices for collections and payments of the State, municipalities, decentralized services, or autonomous entities, whatever may be their nature, and shall be able to propose to the proper persons the reforms that it considers necessary.

ART. 203. The tribunal of accounts shall present to the Executive the accounting and financial administration bill, who shall submit it to the Legislature with any comments he may wish to make. Said bill shall comprise the regulative standards for financial and economic administration, and especially for the organization of accounting and collection services; requirements for purposes of audit, for the acquisition or disposal of property, and all undertakings that affect the public treasury; an effective check on income, expenditures, and payments; and the responsibilities and guarantees to which officials who superintend the management of the patrimony of the State are subject.

SECTION XIV

Council of National Economy

SOLE CHAPTER

ART. 204. The law may create a council of national economy, with an advisory and honorary character, composed of representatives of the economic and professional interests of the country. The law shall indicate the form of organization and the functions of the same.

ART. 205. The council of national economy shall address the public au-

thorities in writing, and may argue its points of view before legislative committees, through one or more of its members.

SECTION XV

Concerning the Judiciary

CHAPTER I

ART. 206. The judicial power shall be exercised by the Supreme Court of Justice and by tribunals and courts in the forms established by law.

CHAPTER II

ART. 207. The Supreme Court of Justice shall be composed of five members.

ART. 208. To be a member of the Supreme Court of Justice it is necessary:

1st. To be more than forty years of age.

2nd. To be an active native citizen.

3rd. To be an attorney and to have filled a judgeship or to have belonged to the Public Ministry for eight years, or to have practiced law in the courts for ten years.

ART. 209. The General Assembly, in joint session of both Chambers, shall make the appointments according to the provisions of Clause 18 of Article 75.

ART. 210. The office of a member of the Supreme Court shall continue for ten years, without prejudice to what is provided in Article 223.

Those who have discharged the office may not be re-elected until five years have elapsed between the termination of the office and re-election.

ART. 211. Their salaries shall be fixed by the Legislature.

CHAPTER III

ART. 212. The duties of the Supreme Court of Justice are:

1st. To judge, without exception, all violators of the Constitution; offenses against international law and admiralty suits; questions relative to treaties, pacts, and conventions with other States; to hear suits of accredited diplomats in the Republic in cases covered by international law.

For the matters stated and for all others in which the Supreme Court exercises original jurisdiction, the law will provide as to the appeals that there may be for judgments, which must in any case be public and must have their final sentence declared with express reference to the law that may be applied in this case.

2nd. To supervise direct, corrective, consultative, and economic supervision over the tribunals, courts, and other dependencies of the Judiciary.

3rd. To prepare annually the budget of the Judiciary and submit it at

the proper time to the Executive for its incorporation in the general budget, accompanied by the modifications that he considers appropriate.

4th. To appoint, with the approval of the Senate, or in its recess with that of the permanent committee, the citizens who shall compose the appellate tribunals, limiting their appointments to those having the following qualifications:

I. The affirmative vote of three of its members for candidates who hold a judgeship or belong to the Public Ministry, and

II. The affirmative vote of four for candidates who do not have the qualifications of the previous paragraph.

5th. To appoint licensed judges of all grades and denominations, requiring, in each case, an absolute majority of the total of the members of the Supreme Court.

These appointments shall have a permanent character from the moment they are made when they devolve upon citizens who already have for two years filled a judgeship or belonged to the Public Ministry or who have been justice of the peace, which position must be filled by attorneys.

If the same officials have had a shorter service in their respective offices, they shall be considered as having the character of temporary licensed judges for a period of two years, counting from the date of their appointment, and the citizens who become magistrates for the first time shall hold this office provisionally for the same two-year period.

During this interim period, the Supreme Court may remove a provisional licensed judge at any time, by an absolute majority of the total of its members. After the temporary period has elapsed, the appointment shall be considered fully confirmed.

6th. To appoint, by an absolute majority of the total of the members of the Supreme Court, permanent public defenders, justices of the peace, and district judges.

7th. To appoint the employees of the Judiciary, an absolute majority of the total of the members of the Supreme Court being necessary for any designation, and in the case of clerks of the tribunals and courts, the prior approval of the latter.

8th. To perform the other duties entrusted to it by law.

ART. 213. In the exercise of its functions it shall communicate directly with the other organs of the State, and its president shall be authorized to attend the meetings of the committees on codes and legislation and Constitution of both Chambers, in order that he may participate orally in their deliberations, but without vote, when matters that concern the administration of justice are discussed. It may also propose in these committees plans for judicial reform or for reform of the codes of procedure.

CHAPTER IV

ART. 214. There shall be appellate tribunals as determined by law and with the powers that the latter fixes. Each one of these shall be composed of three members.

ART. 215. To be a member of an appellate tribunal it is necessary:

- 1st. To be more than thirty-six years of age.
- 2nd. To be an active native citizen, or a citizen who has been naturalized for seven years.
- 3rd. To be an attorney and to have held a judgeship, or to have belonged to the Public Ministry, for six years, or to have practiced the profession in the courts for eight years.

ART. 216. Members of the appellate tribunals shall continue in their offices during the period of their good conduct up to the limit provided by Article 223.

CHAPTER V

ART. 217. The law shall fix the number of official courts in the Republic, keeping in view the requirements of the quickest and easiest administration of justice, and shall indicate the location of each such court and enumerate its powers and the manner of exercising them.

ART. 218. To be a licensed judge it is necessary:

- 1st. To be more than twenty-eight years of age.
- 2nd. To be an active native citizen, or a citizen who has been naturalized for four years.
- 3rd. To be an attorney and to have belonged for two years to the Public Ministry or to have been a justice of the peace for two years, in employment that can be discharged only by attorneys, or to have practiced law in the courts for four years.

ART. 219. Licensed judges who serve effectively shall continue in their functions as such as long as their good conduct lasts, up to the limit established by Article 223. However, by reason of satisfactory service, the Supreme Court of Justice may at any time change their office or location, or both, provided said transfer is settled after the attorney of the court is heard, and subject to the following requirements:

- 1st. The affirmative vote of three of the members of the Supreme Court in favor of the transfer, if the new office does not imply decrease in rank or remuneration, or of both, with respect to the former one.
- 2nd. The affirmative vote of four of its members in favor of the transfer if the new office does imply a decrease of rank or of remuneration, or of both, with respect to the former one.

CHAPTER VI

ART. 220. To be a justice of the peace or a district judge it is necessary:
1st. To be more than twenty-five years of age.

2nd. To be an active native citizen, or one who has been naturalized for two years.

To the requirements listed, must be added that of being an attorney in order to be justice of the peace in the Department of Montevideo, and of being attorney or notary public in the capitals and cities of other Departments, and in any other town of the Republic where judicial activity so requires it in the opinion of the Supreme Court.

ART. 221. There shall be as many justice of the peace courts in the Republic as there are judicial sections into which the territory of the Departments is divided, and as many district courts as there are judicial districts into which the sections are subdivided.

ART. 222. Justices of the peace and district judges shall continue four years in their offices, but one or the other may be removed at any time if necessary for the purposes of better public service.

CHAPTER VII

ART. 223. Every member of the Judiciary shall retire from office on reaching seventy years of age.

ART. 224. Positions in the judicial system shall be incompatible with all other salaried public services or permanent honorary posts, except those especially connected with the Judiciary.

In this latter case, previous authorization from the Supreme Court, by an absolute majority of the total of its members, shall be required.

ART. 225. Magistrates and all employees belonging to the internal bureaus and offices of the Supreme Court, tribunals, and lower courts are forbidden, under penalty of immediate removal, to direct, defend, or transact judicial affairs, or to take part in them, outside of their official duties, although such matters may be of voluntary jurisdiction. The violation shall be declared officially as soon as it is manifested. The prohibition is invalid only when the private affairs of the official, his wife, children, or parents are concerned. The statement above, referring to personnel of bureaus and offices, may be limited by established legal exceptions.

The law may also institute special prohibitions for officials or employees of departments not referred to in the first part of this article.

CHAPTER VIII

ART. 226. Military jurisdiction is limited to military offenses and to the exercise of a state of war.

Common offenses committed by soldiers in time of peace shall be submitted to an ordinary court, no matter where they were committed.

ART. 227. Justice shall be free to those declared indigent according to law. In cases in which such a declaration has been made in favor of the plaintiff, the defendant shall enjoy the same privilege until final sentence is passed, which shall confirm it, if said sentence declares that the plaintiff brought suit without cause.

ART. 228. No civil suit may be begun unless it has been previously proved that conciliation has been attempted before a justice of the peace, except in the cases established by law.

CHAPTER IX

ART. 229. Laws may be declared unconstitutional by reason of their form or contents, in accordance with what is established by the following articles.

ART. 230. Said declaration and the inapplicability of the provisions affected by it, must be solicited by the interested party.

The judge or tribunal that has cognizance of the case may also officially consider the unconstitutionality before directing a decision.

ART. 231. After the petition is drawn or the unconstitutionality of a law is charged officially in a concrete case, the process shall remain in abeyance and the proceedings shall be brought to the Supreme Court of Justice, to which belong the jurisdiction and the original and exclusive solution of the case, with the requirement of a final judgment.

The decision of the Supreme Court of Justice shall have effect only in the controversial case in which it is pronounced.

ART. 232. The law shall regulate the relevant proceedings.

SECTION XVI

Concerning the Government and Administration of the Departments

CHAPTER I

ART. 233. The government and administration of the Departments, with the exception of police services, shall be the responsibility of an intendant, a departmental board, and one or more local boards.

ART. 234. The departmental board shall be composed of thirty-one members in Montevideo, and of fifteen members in the other Departments, distributing offices among the different tickets proportionally to the electoral strength of each one without prejudice to what is provided in the fourth and fifth paragraphs of this article.

The election shall be made directly by the people, with the guarantees for the suffrage established in Section III.

The intendant and members of the boards shall be voted for jointly on the same ballot, but completely separate from the other ballots of the general elections.

If the list with the most votes of the ticket with the most votes, the candidate for intendant on which won, has received only a relative majority of the votes, the majority of the offices on the departmental board shall be distributed to that list.

The other offices shall be distributed by the system of proportional representation among the tickets and sub-tickets that have not received representation by the previous allotment.

Members of the boards shall continue for four years in the exercise of their functions. Together with the incumbent members, three times that number of substitutes shall be elected.

Arr. 235. To be a member of a departmental board it is necessary: to be more than twenty-five years of age, to be a native citizen or one who has been naturalized for three years, and to be a native of the Department or to have settled there at least three years previously.

Arr. 236. Intendants shall be elected directly by the people by a simple majority of the voters, by means of the system of double simultaneous vote and with the guarantees for suffrage established by Section III. The candidates on the ticket and of the party receiving most votes shall be elected.

They shall continue for four years in their functions and may be re-elected, but only once, and in this case, they must resign the office at least three months prior to the date of the election.

Qualifications for intendant are the same as for Senator, and, furthermore, the candidate must be a native of the Department or must have resided there for at least three years previously.

The law may modify the number of members of the boards and the system of election of the intendants by two-thirds of the votes of the members of each one of the Chambers.

Arr. 237. Four substitutes shall be elected with the intendant, who must have the same qualifications, and who shall, in succession, be called to fill a vacancy.

Arr. 238. The executive operation of the departmental government shall belong to the intendant. In addition to those that the law prescribes, his duties shall be:

1st. To promulgate and publish the decrees approved by the boards, issuing the regulations or provisions he deems necessary for their enforcement.

2nd. To prepare the general budget of expenditures and submit it for the approval of the departmental board.

3rd. To designate the members of the local boards, with the approval of the departmental board.

4th. To appoint the employees subordinate to him, including those of the local boards, and, in case of inefficiency, neglect, or offense, to dismiss them by authorization of the departmental board, which must be given within forty days. If not given, the dismissal shall be considered executed.

5th. To represent the Department in its relations with the organs of the State or with other departmental governments, and in its transactions with officials or private agencies.

ART. 239. The departmental board shall have auditing and legislative functions in municipal matters. Its jurisdiction shall extend over all of the territory of the Department and it shall have its seat in the capital of the same. In addition to those that the law determines, the departmental board shall have the following duties:

1st. To dismiss members of the local boards upon the proposal of the intendant and by an absolute majority of votes.

2nd. To issue, upon the proposal of the intendant or on its own initiative, the decrees and resolutions it deems necessary.

3rd. To approve annually the budget of the municipality.

4th. To appoint the employees of its own offices and to dismiss them in cases of inefficiency, neglect, or offense.

5th. To request the intervention of the tribunal of accounts to pass judgment on questions relating to finances or departmental administration, a third of the total votes being enough to approve this resolution.

6th. To consider requests for leave or approval presented by the intendant.

7th. To request, directly from the Legislature, modifications or extensions of the organic law of departmental governments.

8th. To create new local boards at the proposal of the intendant.

ART. 240. Intendants or departmental boards may protest before the Supreme Court of Justice in the form established by law, against any violation of the autonomy of the Department.

ART. 241. Departmental boards may grant concessions for local or departmental public services at the proposal of the intendant and by an absolute majority of votes.

ART. 242. Decrees and resolutions approved by the departmental board shall require, before entering into force, previous promulgation by the intendant.

The latter may object to those he believes inadvisable, but the board may insist upon them by a three-fifths vote, and in this case they will enter immediately into force.

The budget submitted to the General Assembly by the procedure established in Article 251 may not be vetoed.

ART. 243. Any community outside of the urban seat of a departmental capital may have a local board, the members of which shall be designated, as far as possible, following the proportions of the departmental board in the representation of different parties. It shall have five members, who must possess the same qualifications required in order to be a member of a departmental board, and must live in that community. The president shall exercise executive power in its jurisdiction.

ART. 244. The law shall determine the conditions for the creation of local boards and their duties. The powers of action of the latter may be extended, by an absolute majority of votes of the two Chambers, in towns which, without being the capital of a Department, include more than 10,000 inhabitants or offer national attraction for tourist development.

CHAPTER II

ART. 245. The office of intendant is incompatible with any other public or private office or employment except teaching positions. He may hold an office or engage in a profession, business, or industry provided that in his activities he does not make contracts with the municipality.

ART. 246. Persons who receive salaries or other remuneration from private enterprises that make contracts with the municipality shall not be members of the departmental or local boards.

ART. 247. Intendants and members of the boards cannot, during their term of office:

1st. Take part as directors or administrators in enterprises that contract for construction or supplies with municipalities or with any other public agency related to them.

2nd. Transact or direct their own business or that of third parties with municipalities.

Violation of what is provided in this article and in the preceding two shall involve the immediate loss of office.

ART. 248. The offices of intendant and of members of the departmental boards are incompatible with the exercise of any other elective public function, whatever may be its nature.

CHAPTER III

ART. 249. The offices of members of the departmental boards and local boards are honorary.

The intendant shall receive the remuneration fixed by the departmental board before his election. Its amount shall not be altered during his term of office.

ART. 250. Intendants and the members of departmental boards may be accused before the Senate, by one-third of the votes of said boards, of the offenses listed in Article 84 of the Constitution.

The Senate may remove them from their offices by two-thirds of the votes of the total of its members.

CHAPTER IV

ART. 251. The intendant shall remit each year to the departmental board a balanced budget plan for its study and approval. The board may modify it only to increase resources or to decrease expenses, but may not approve any plan involving deficits or create offices on its own initiative.

Before approving the budget, the board shall obtain a report by request from the tribunal of accounts, which shall be given within twenty days, dealing solely with errors in the calculation of resources, omission of budget obligations, or violation of constitutional provisions or of applicable laws. If the board accepts the corrections of the tribunal of accounts, or offers no objections to them, it shall give final approval to the budget.

The board may in no case introduce modifications subsequent to the report of the tribunal.

If the departmental board does not accept the corrections made by the tribunal of accounts, the budget shall be sent, together with the corrections, to the General Assembly, in order that the latter, in joint session of both Chambers, may settle the discrepancies within a period of forty days, and if a decision is not reached in this time, the budget shall be considered as approved.

Municipal budgets declared in force shall be communicated to the Executive for their inclusion, for purposes of information, in the general budget of expenditures and sent to the tribunal of accounts with instructions to the latter of the previous actions relating to the suggestions, should there be any.

ART. 252. The period of operation of the budget shall be one year and it shall coincide with the civil year. The law shall fix, by three-fifths of the votes of the total of members of each Chamber, the percentage of the total expenditures that must be reserved to pay wages and salaries, not only in the ordinary budget but for extraordinary expenditures for public works, etc.

Until a budget is approved to operate for the fiscal year, the budget of the previous fiscal year shall continue in force.

ART. 253. Only the Legislature may, at the request of the intendant with the consent of the departmental board and with a previous report from the tribunal of accounts, create new municipal taxes.

ART. 254. The assessments or rates for utilization of or benefit derived from municipal services, shall be the funds of the departmental governments, decreed and administered exclusively by them.

ART. 255. The national Government shall deposit in the municipal treasury seventy-five per cent of the amount produced during the year by the tax on real estate situated within its boundaries, excluding additions and surcharges. The law shall indicate, furthermore, the sources of returns, the income from which shall enter the municipal treasury, sources on which no national tax shall be collected.

ART. 256. Departmental governments may not contract loans without a proposal by the intendant, approved by the departmental board, and with the consent of the Legislature. A previous report by the tribunal of accounts shall be required in all cases.

ART. 257. All surplus income shall be completely applied to special amortization of the departmental debt. If said debt shall not exist, it shall be applied to the construction of public works or to remunerative investments, adopted

by resolution of the departmental board on the proposal of the intendant and with a previous report by the tribunal of accounts.

CHAPTER V

ART. 258. Decrees of the boards and decisions of the intendants contrary to the Constitution or the laws are appealable to the Chamber of Representatives by one-third of the board, 300 citizens registered in the Department, or the Executive.

If sixty days elapse after the Chamber has received the report of prior actions, and if it has not decided the appeal, the petition shall be invalid.

ART. 259. When the decision appealed has as its purpose the increase of departmental income, the appeal instituted shall not be held in abeyance. Neither shall it be held in abeyance when it is instituted in the second case referred to in the previous article.

ART. 260. The law shall regulate the appeals of citizens against decisions of departmental governments, not only in regard to municipal but also to judicial matters, for the purpose of indemnification for any injury to rights that may have taken place.

ART. 261. The law shall determine, without prejudice to what is established by Article 250, the responsibility of intendants and members of the boards and the manner of making it effective.

CHAPTER VI

ART. 262. The law may, by an absolute majority of the votes of the total of members of each Chamber, institute a referendum in municipal affairs.

ART. 263. Fifteen per cent of the residents registered in a locality shall have the right to proceed against their respective boards in matters under its jurisdiction. The local board must consider the propositions formulated, and bring them to the attention of the proper authorities.

ART. 264. The police shall render aid to the intendant and to the boards provided they require it for the execution of their duties.

CHAPTER VII

ART. 265. In each Department there shall be a chief of police, appointed by the Executive.

ART. 266. To be a chief of police it is necessary: to be more than thirty years of age, to be an active citizen, and to be a native of the Department or to have lived there uninterruptedly during at least the two years immediately preceding.

ART. 267. The police force shall be directly subordinate to the Executive.

SECTION XVII
Concerning Administrative Litigation

CHAPTER I

ART. 268. A tribunal of administrative litigation, composed of three members, shall be established by law.

ART. 269. The qualifications necessary to be a member of this tribunal shall be the same as those established for members of the Supreme Court of Justice, and their appointment shall be in accordance with the provisions of Clause 18 of Article 75.

The law shall determine the duration and remuneration of these offices.

CHAPTER II

ART. 270. The tribunal of administrative litigation shall be concerned with suits against illegal actions of the administration, taken in the exercise of its functions, whether against individuals, private concerns, or public employees.

The acts of municipal authorities and of the decentralized services and autonomous entities shall be included in the jurisdiction of this tribunal.

ART. 271. Illegal decisions shall be considered as those that violate the law, either in form or spirit.

Those decisions that are not relevant to their final purpose or design, which actually result in the abuse or deflection of power, shall also be considered illegal.

ART. 272. The tribunal shall limit itself to passing on the act in its original form, either confirming or revoking it but without amending it.

Consideration of the liabilities of the administration shall be submitted to ordinary channels of justice.

ART. 273. The tribunal, furthermore, shall pass on disputes of competence based on legislation and on differences that may arise between the Executive and the intendancies, the departmental boards, the decentralized services, or the autonomous entities, and, also, on the disputes or differences among one or another of these organs. It shall also pass on disputes or differences that arise among the members composing the boards or directorates of the autonomous entities or decentralized services, provided that they may not have been capable of being resolved by the normal procedure of the registering of the will of the agency. All disputes based on the Constitution shall be passed on by the Supreme Court of Justice.

If, on issuing a final decision, the Supreme Court or the tribunal considers that there exists a reason for it, it may preventively suspend intendants, members of departmental boards, or directors of autonomous entities and decentralized services, transmitting the antecedents to a competent authority for initiating the proper proceedings.

The suspended officials shall be supplanted by their respective substitutes, and, if they have none, the Executive shall designate them with the approval of the Senate. In case thirty days have elapsed without proceedings having been initiated by a competent authority, the officials shall be reinstated in their positions.

If the competent administrative authority is the Executive, the final decision must be issued within a period of 180 days. If the Senate must pass upon the decision of the Executive it must be done within a period of ninety days, but if that passes without action being taken, the decision of the Executive shall be obeyed. If the competent authority is the Senate, it must enact a decision within a period of ninety days.

The periods indicated having expired without a decision having been made, the officials shall be reinstated in their positions.

In case the competent authority should be the criminal court, the suspension of the officials shall be continued until, by a written order, the acquittal or conviction of the officials is decreed or a stay of proceedings is ordered. A condemnatory sentence shall provide, in full right, for the removal of the official.

Until the law shall have established the tribunal of administrative litigation, all disputes or differences referred to by this article shall be decided by the Supreme Court of Justice.

ART. 274. The law, by three-fifths of the votes of the total of the members of each Chamber, may extend the competence of the tribunal, granting it complete jurisdiction in matters of administrative litigation. In such case, the same body shall also have authority in the matter referred to in Clause 2 of Article 272.

SECTION XVIII

Concerning Electoral Justice

SOLE CHAPTER

ART. 275. There shall be an electoral court, which shall have the following duties, besides those established in Section III and those designated by law:

1st. To take cognizance of all matters relating to electoral acts and proceedings.

2nd. To exercise direct, corrective, consultative, and economic supervision over electoral agencies.

3rd. To decide, in the last instance, all appeals and claims made, and to be the judge of the elections for all offices of elective character, with the exception of what is provided in Articles 95 and 152.

ART. 276. Budget and financial matters shall be handled as provided in Section XIII.

ART. 277. The electoral court shall be composed of five incumbents, with two substitutes for each one, it being necessary for the one or the other to be citizens who, by their position in the political scene, are a guarantee of im-

partiality. The law may increase the number of members of the electoral court to nine, adding to this agency four representatives of the parties, with voice and vote.

The decisions of the court must always be made with the affirmative votes of at least three of the five members to whom the first clause of this article refers.

The form of elections and the procedure of electoral agencies shall be established by law, with the guarantees provided in Section III.

ART. 278. The electoral court shall communicate directly with the public organs.

SECTION XIX

Concerning the Observance of Old Laws, and the Enforcement and Amendment of the Present Constitution

CHAPTER I

ART. 279. The laws governing in all matters and points that do not directly or indirectly oppose this Constitution or the laws made by the legislative body are declared to continue in force and effect.

CHAPTER II

ART. 280. Any person who attempts to aid, or who actually aids in any attempt against the present Constitution, after it is approved and published, shall be denounced, judged, and punished as a traitor to the Nation.

CHAPTER III

ART. 281. The present Constitution may be amended wholly or partially according to the following procedures:

1st. By the initiative of ten per cent of the citizens inscribed in the national civic register, presenting an amendment in a specific plan that shall be sent to the General Assembly, and which must be submitted to popular decision at the next election.

The General Assembly, in joint session of both Chambers, may present substitute propositions, which shall be submitted to a plebiscitary decision together with the popular initiative.

2nd. By proposals for amendment endorsed by two-fifths of the total of the members of the General Assembly, presented to the president of the same, and which must be submitted to a plebiscite in the first election following.

In the cases of Clauses (A) and (B) [i.e., 1st and 2nd Clauses, above] it is necessary, for the plebiscite to carry approval, that an absolute majority of the citizens participating in the election, who must represent at least thirty-five per cent of the total inscribed in the national civic register, must vote "yes."

3rd. Senators, Representatives, and the Executive may present bills of

amendment that must be approved by an absolute majority of the total of the members of the General Assembly.

A bill that is rejected may not be reintroduced until the following legislative term, it being necessary to observe the same formalities.

When the initiative is approved and promulgated by the president of the General Assembly, the Executive shall, within the ninety days following, decree the election of a national constituent convention that shall deliberate and decide upon the initiatives for the amendment, as well as upon others that may be presented to the convention. The number of delegates shall be double that of the legislators. At the same time, substitutes shall be elected in a number double that of the delegates. The conditions of eligibility, immunity, and incompatibility shall be those that govern for Representatives.

Their election by departmental lists shall be governed by the system of integral proportional representation and in conformity with the laws in force for the election of Representatives. The convention shall be assembled within a period of one year, counting from the date on which the initiative of amendment was promulgated.

The decisions of the convention must be made by an absolute majority of the total number of delegates, and their labors must be terminated within a year, counting from the date of their installation. The bill or bills drawn up by the convention shall be communicated to the Executive for their immediate and widespread publication.

The bill or bills drawn up by the convention must be ratified by the electorate, convened for the purpose by the Executive, on the date indicated by the national constituent convention.

Voters shall express themselves by "yes" or by "no" and if there are various texts of amendments they shall pass separately on each one of them. For such purpose, the constituent convention shall group the amendments that, by their nature, may require a decision conjointly. One-third of the members of the convention may require a separate decision on one or various texts. The amendment or amendments must be approved by a majority of the votes, that must not be less than thirty-five per cent of the citizens inscribed in the national civic register.

In the cases of Clauses (A) and (B) [i.e., 1st and 2nd Clauses, above] there shall be submitted to simultaneous plebiscitary ratification at the earliest elections only those bills that may have been presented at least six months previous to the date of the elections, or three months previously, in the first of said cases, for the substitute formulas that may be approved by the General Assembly. Those presented after such periods shall be presented to a plebiscite simultaneously with the following elections.

4th. The Constitution may also be amended by constitutional laws that shall require for their approval two-thirds of the total of the members of each one of the Chambers, within the same legislative session. Constitutional laws

may not be vetoed by the Executive, and shall enter into force as soon as the electorate, especially convened on the date that the law itself determines, shall express its conformity by an absolute majority of the votes cast, and they shall be promulgated by the president of the General Assembly.

5th. If the convening of the electoral body for the ratification of amendments, in the cases of Clauses (A), (B), (C), and (D) [i.e., 1st, 2nd, 3rd, and 4th Clauses, above], should coincide with any election of members of the organs of the State, the citizens must express their will on the constitutional amendments on a separate ballot and independently of the election lists. When the amendments refer to the filling of elective offices, on being submitted to a plebiscite, those offices shall simultaneously be voted for by the system proposed and by the previous one, the plebiscitary decision having imperative force.

ART. 282. The principles of the present Constitution that recognize rights of individuals, as well as those that attribute powers to and impose duties upon the public authorities, shall not fail to be applied for lack of the respective regulations, but the latter shall be provided, having recourse to the fundamentals of analogous laws, to the general principles of law, and to generally recognized doctrines.

[March 24th, 1934]

Venezuela



[For comment about constitutional developments during the period of "Gran Colombia," 1819-30, see the historical note on Colombia.]

VENEZUELA'S declaration of independence followed that of the United States by thirty-five years and one day. Later in the same year—December 21, 1811—the new state adopted a federal constitution influenced both by that of the United States and by that of the French Declaration of the Rights of Man. The document was scarcely put into operation, however, before the fortunes of war caused its abandonment. Venezuela later, like the other component parts of Gran Colombia, adopted its own basic law after the disintegration of the federation. The first constitution of a permanently independent Venezuela dated from September 27, 1830. It followed largely orthodox lines, except that it tried to attain a compromise between the federal and unitary types of government. This, the longest lived of Venezuela's constitutions to date, continued in effect for more than a quarter of a century.

The second constitution dated from April 18, 1857. The centralized government established by this law was only temporary, as the constitution was succeeded by another on December 31, 1858. This law, continuing a unitary government, provided, however, for elective governors and a president chosen by direct election; the constitution was abrogated in September, 1861. Venezuela's first federal government was organized by the next constitution, dated April 22, 1864. Senatorial representation was on the basis of two from each state, and reserved powers were given to the states. The fifth constitution came a decade later (May 27, 1874) and continued most of the features of its immediate predecessor.

The next constitution, dated April 27, 1881, was ostensibly modeled after the Swiss basic law. This was followed by the constitution of April 16, 1891, and it in turn by a fundamental law dated June 21, 1893. The document of 1893 continued in effect for eight years, the next constitution being dated March 29, 1901. This was followed by several short-lived constitutions, April 27, 1904, August 5, 1909, a "provisional constitutional statute" dated April 19, 1914, and a constitution dated June 19, 1914. Even the long domination by Juan Vicente Gómez, begun in 1909, did not prevent continued constitutional experimentation; the constitution of 1914 significantly lengthened the presidential term to seven years, preserving the executive's election by the congress.

Successive constitutions followed on June 24, 1922, on July 1, 1925, on May

23, 1928, on May 29, 1929, and on July 9, 1931. Some of these represented only nominal modifications of their immediate predecessors; that of 1925, for instance, was based largely on the law of 1914. The next fundamental law, a post-Gómez constitution, dated from July 20, 1936. A military revolution on October 19, 1945, presumptively pointed toward adoption of a new constitution. The revolutionary junta ultimately held elections for a constituent assembly on October 27, 1946. The new law was promulgated on July 5, 1947.

CONSTITUTION OF THE UNITED STATES OF VENEZUELA

The National Constituent Assembly, in representation of the sovereign people of Venezuela, invoking the protection of Almighty God, decrees the following Constitution.

PRELIMINARY DECLARATION

The Venezuelan Nation is an association of all Venezuelans in a pact of political organization with the name of United States of Venezuela. It is forever irrevocably free and independent of all domination or protection of a foreign power.

The Venezuelan Nation proclaims as the prime reason of its existence the spiritual, political, and economic liberty of man, emphasized in human dignity, social justice, and the equitable participation of all people in the enjoyment of the national wealth.

The Nation derives from that fundamental reason its functions of defense, of law, and of culture for the accomplishment of its essential purposes included principally in the harmony, the well-being, and the social and individual security of Venezuelans and all those who may live together in its territory and under its law;

The affirmation of appropriate nationality, supported in concordance with fraternal co-operation in the concert of nations, in projects of peace and of progress, and with mutual respect of sovereignty;

The support of democracy as the sole and irrenounceable system of governing its internal conduct, and pacific collaboration in the design of promoting that same system in the government and relations of all peoples of the earth.

The Venezuelan Nation repudiates war, conquest, and the abuse of economic power as instruments of international policy; it reaffirms its wish to resolve all its conflicts and controversies with other States by the pacific means established in the pacts and treaties to which it is a party; it endorses the principle of self-determination of peoples; and it recognizes international law as an adequate rule for guaranteeing the rights of man and of nations in the terms and aims of the present Declaration.

The Venezuelan Nation bases the fulfillment of its destiny and the achievement of its purposes in the integrity of its territory, the potentiality of its economy, its respect for liberty, the consecration of labor as the supreme virtue and as the supreme claim to human betterment, and the inheritance of moral and historic authority, led by Simón Bolívar in the undertaking emancipating the American continent.

TITLE

Territory and Political Division

ARTICLE 1. The territory of the United States of Venezuela is that which belonged to the Captaincy General of Venezuela before the political transformation of 1810, with the modifications resulting from the treaties negotiated by the Republic. This territory may never, in whole or in part, be ceded, transferred, leased, or in any other form alienated to a foreign power, even for a limited time.

Foreign nations may acquire, in conformity with the law, only the real property necessary for the seat of their diplomatic representation in the capital of the Republic, on a basis of reciprocity, provided always that national sovereignty over the soil is unimpaired.

ART. 2. The national territory is divided, for the purposes of the political organization of the Republic, into States, the federal district, federal territories, and federal dependencies.

The territory of the States is divided into municipal districts, and that of the latter, in its turn, into municipalities.

ART. 3. The States are: Anzoátegui, Apure, Aragua, Barinas, Bolívar, Carabobo, Cojedes, Falcón, Guárico, Lara, Mérida, Miranda, Monagas, Nueva Esparta, Portuguesa, Sucre, Táchira, Trujillo, Yaracuy, and Zulia.

ART. 4. The States retain the boundaries that they have at present. A special law will fix said boundaries precisely, with attention to the division established by the law of April 28th, 1856, and the modifications in force at the date of this Constitution.

Adjoining States may be united by means of conventions approved by their respective legislative assemblies; but the latter will always retain the power of recovering their autonomy. They may also, by means of the same formalities, modify their common frontiers, agreeing to the compensations or cessions of territory that shall take place.

ART. 5. The federal district will be organized by a special law, in which the autonomy of the municipal authorities will be allowed without impairment with respect to that which concerns their economic and administrative system, in the terms dedicated by this Constitution.

ART. 6. The city of Caracas is the capital of the Republic and the seat of the national Government, without prejudice to what is provided in Paragraph b [i.e., Paragraph II] of Clause 18 of Article 198 of this Constitution and in Clause 31 of the same article.

ART. 7. The federal territories are Amazonas and Delta Amacuro, and they are governed by special laws.

The boundaries of said territories and those of the federal district with the neighboring States may be modified by means of conventions that the govern-

ments of the latter may negotiate with the national Executive, approved by the national Congress and the legislative assemblies of the contracting States.

ART. 8. Federal territories may opt the category of States when they have at least 50,000 inhabitants.

In this case, the national Congress will elevate to the category of a State the whole or a part of the territory that requests it, in accordance with the law.

ART. 9. The maritime islands of Venezuela are federal dependencies, except those of Margarita, Coche, and Cubagua, which constitute the State of Nueva Esparta. The government and administration of said dependencies belong to the national Executive, in accordance with the law. The latter, furthermore, will regulate the conditions by means of which federal dependencies may opt the category of territories.

ART. 10. Controversies existing by reason of boundaries, and those which in the future may arise from the same cause, among the States, or between the latter and the federal district or territories, will be decided by the Supreme Court of Justice by means of the procedure that the law will regulate.

TITLE II

Concerning Nationality

ART. 11. Venezuelans by birth are:

1st. Those born in Venezuela, with the exception of the children of aliens not domiciled or residing in the Republic or who may be in the country in the official service of another State.

2nd. Those born on Venezuelan ships or airplanes, outside of the territorial dominion of another State, with the exceptions indicated in the preceding ordinal.

3rd. Those born abroad, of a Venezuelan father or mother, when the latter are abroad in the official service of Venezuela.

4th. Those born abroad, of Venezuelan father and mother, when, in conformity with the laws of the country where they are born, they do not acquire the nationality of the latter.

First Paragraph. Those excepted in Ordinals 1st and 2nd of this article are equally Venezuelan by birth if, arriving at their majority, they establish their domicile in Venezuela or manifest their wish to resort to Venezuelan nationality.

Second Paragraph. Those born abroad, of Venezuelan father or mother, not included in Ordinals 3rd and 4th of this article, are also Venezuelan by birth if they are domiciled in the country on arrival at their majority or if, having arrived at it, they manifest their wish to resort to Venezuelan nationality or to establish their domicile in the country.

Third Paragraph. Those born abroad, of Venezuelan father or mother, are

likewise Venezuelan by birth when their birth has been registered with the respective Venezuelan diplomatic or consular authority.

ART. 12. Venezuelans by naturalization are:

1st. An alien woman married to a Venezuelan if, in conformity with her national law, she loses her previous nationality by reason of matrimony.

2nd. Children of majority age, of a father or mother Venezuelan by naturalization, born abroad, if they are domiciled in the country and manifest their wish to be Venezuelan.

3rd. Nationals of Spain or of any of the Latin American States who may be domiciled in the country and manifest their wish to be Venezuelan.

Those coming from Spain and the Latin American republics may, on the basis of an effective international reciprocity, established by means of treaties, obtain Venezuelan nationality without losing or modifying the nationality of their origin.

4th. Aliens who have obtained or who may obtain a letter of naturalization in accordance with the law.

ART. 13. Dissolution of matrimony will not effect the nationality that the spouses and the children may have.

ART. 14. A Venezuelan woman who marries an alien will retain Venezuelan nationality unless she manifests her contrary wish and provided that such manifestation may be sufficient to acquire the nationality of the husband according to the national law of the latter.

ART. 15. Manifestations of wish to which the previous articles refer, and the acquisition of letters of naturalization, will be regulated by law.

ART. 16. Standards tending to determine the nationality of persons to whom the application of the laws of different countries attributes multiple nationality may be adopted in public treaties.

That which is provided in the sole paragraph of Clause 3 of Article 12 of this Constitution remains unimpaired.

ART. 17. Venezuelan nationality is lost:

1st. By full and voluntary acquisition of another nationality, except in the cases indicated in the sole paragraph of Clause 3 of Article 12.

2nd. By revocation of naturalization in the cases that the law determines.

ART. 18. Recovery of nationality will be governed by law.

ART. 19. Nullification of naturalizations as a consequence of frauds that may affect them will be regulated by law.

TITLE III

Concerning Individual and Social Rights and Duties

CHAPTER I

General Provisions

ART. 20. Venezuelans have the duty of defending the Fatherland, of complying with and obeying the Constitution and the laws of the Republic, as well as the decrees, orders, and decisions which, in conformity with their powers, the public authorities may enact. They may not serve against Venezuela in any case, or against its allies in case of armed international conflict, and, if they should do so, they will be considered as traitors to the Fatherland.

Aliens, while they reside in the territory of the Republic, are obliged to respect legal precepts in the same terms required of Venezuelans.

ART. 21. Aliens in Venezuela have, without prejudice to what is provided in international conventions, the duties and the rights that this Constitution and the laws grant to them; but neither the one nor the other may be greater than those of Venezuelans.

The laws may establish restrictions in respect to the exercise of the rights belonging to all aliens or to a specified class of them, when grave reasons of internal or external security may so require it, or for reasons of a hygienic kind.

Confiscation may be imposed only upon aliens and only in case of conflict with their country.

ART. 22. Venezuelans by naturalization enjoy the same political rights as Venezuelans by birth, except for the restrictions indicated by law.

ART. 23. Everyone has the right to do that which does not injure another, and no one is obliged to do that which the law does not order or prevented from doing that which it does not prohibit.

ART. 24. In no case may nationals or aliens solicit the Nation, the States, or the municipalities to indemnify them for damages, injuries, or expropriations that have not been executed by the legitimate authorities in their public character.

ART. 25. The enunciation of rights and duties that is made in the present title must not be understood as a negation of any others that belong to the inhabitants of the Republic, and which may not be expressly represented in it.

ART. 26. No law, decree, ordinance, resolution, or regulation may impair the rights guaranteed by this Constitution to Venezuelans and aliens. Provisions contrary to this principle will be null, and the Supreme Court of Justice will so declare it.

ART. 27. Those who issue, sign, execute, or order the execution of decrees, resolutions, or ordinances, that may violate any of the rights guaranteed by

this Constitution are guilty and will be punished in conformity with the law, except for that which deals with measures directed to the defense of the Republic or to the preservation or re-establishment of peace, issued by competent public authorities in their official character, in the cases foreseen in Articles 76 and 77 of this Constitution.

ART. 28. The lapse [of time] for the prescription of penal actions relating to offenses of violation of any of the individual guarantees is six years, and it shall operate, with respect to public officials, only from the day following the date on which those to whom the criminal act is attributed shall have ceased in the exercise of public functions.

CHAPTER II

Individual Guarantees

ART. 29. The Nation guarantees inviolability of life to all its inhabitants. No law may establish the penalty of death, nor may any authority apply it.

ART. 30. The Nation guarantees liberty and personal security to all inhabitants, and, in consequence:

1st. No one may be subjected to forced recruitment.

Military service is obligatory and will be given in conformity with the law.

2nd. No one may be imprisoned or detained, unless he is surprised *in flagrante delicto*, except on the issuance of summary information of having committed a punishable act which merits a corporal penalty, and on a written order from an official authorized by law to decree detention, it being necessary always to express in said order the reason that caused it. The indictment may not in any case be prolonged for more than thirty days after judicial detention. In offenses of injury, defamation, desecration, or offenses to persons or to judicial, political, or administrative bodies invested with public authority, the accused will be subjected to trial, and may not be removed from the place of the proceedings until the affair is decided. Detention will not operate except by virtue of a definitive judgment.

3rd. No one will remain in detention if, by means of a final judicial decision, the bases of the detention have been destroyed, nor after the granting of liberty under bond in the cases in which the law permits this favor. The granting and the procedure of the bond will not occasion any charge.

4th. No one may be held incommunicado, or obliged to take an oath, or to suffer interrogation in a criminal case against himself, or against his relatives within the fourth degree of consanguinity and the second of affinity, or against his spouse or the person with whom he carries on marital life.

5th. No one may be tried by especially created tribunals or commissions, only by the usual judges and by virtue of pre-existing law.

6th. No one may be condemned in a criminal case without having been personally notified of the charges and heard in the form that the law indicates.

7th. No one may be deprived of his liberty for non-fulfillment of civil obligations not defined by the law as an offense.

8th. No one may be condemned to corporal punishment for more than twenty years.

9th. No one may be condemned to infamous or perpetual punishment, or submitted to torture or other measures that may cause physical suffering.

10th. No one will remain deprived of his liberty once the penalty imposed is completed.

11th. No one may be tried for the same acts which may have caused his previous trial.

ARR. 31. Detentions that the administrative authorities may perform, in conformity with the law, will not be subject to what is provided in Ordinal 2nd of the preceding article; but the arrests that said authorities may impose may not exceed fifteen days, and will be undertaken on a written and supported order when they exceed forty-eight hours.

The law will determine the system to which deficient persons will be subjected.

ARR. 32. Every person detained or imprisoned in violation of the guarantees established in this Constitution for the preservation of individual liberty may be aided by an appeal of *habeas corpus*. This appeal may be exercised by the interested party or by any other person in the name of the former, and will be admissible when the law does not provide any other ordinary judicial recourse against the order, act, or proceeding that motivated it.

The law will determine the tribunals that will take cognizance and decide, in brief and summary form, the charges in the case, as well as the other conditions necessary for the exercise of this appeal.

ARR. 33. The Nation recognizes asylum for political reasons, with the sole limitations that the laws, the principles of international law, and public treaties may establish.

ARR. 34. Everyone may move freely through the national territory, change his domicile, absent himself from the Republic and return to it, bring his goods into the country or withdraw them from it, without other limitations than those established by the laws.

The entrance of nationals into the country may in no case be prevented discretionally.

ARR. 35. The Nation guarantees the inviolability of the home, which may not be broken into except to prevent the consummation of a crime or to comply with decisions that the tribunals of justice, in conformity with the law, may adopt. It will be subject, in conformity with the law, to sanitary and fiscal visitation, upon previous notification by the authorities or officials who may order or execute the inspection.

ARR. 36. Correspondence, oral, written, or in any other form, is inviolable. Letters, telegrams, private papers, and any other means of correspondence

may not be seized except by fulfillment of the legal formalities, by judicial authority, and by always observing secrecy with respect to domestic and private [portions] which have no relation to the corresponding proceedings. Books, vouchers, and accounting documents are subject to inspection or examination by the competent authorities, in conformity with the laws.

ART. 37. The Nation guarantees liberty of thought, manifested by word, by writing, by the medium of the press, by the radio, or other systems of publication, without it being possible to establish a previous censorship; but expressions that may constitute offense to the public morals, injury, defamation, desecration, and instigation to delinquency are subject to penalty, in conformity with legal prescriptions.

Anonymity is not permitted, nor propaganda for war or that which may have the object of provoking disobedience of the laws, except that the latter may be limited to analysis and criticism of legal precepts.

ART. 38. The Nation guarantees freedom of conscience and of faith, the latter being subject to the supreme inspection of the national Executive, in accordance with the law.

ART. 39. No one may be obliged to declare his religious belief or his political ideology, except when the law so directs it.

ART. 40. No one may invoke religious beliefs or disciplines in order to evade fulfillment of the laws of the Republic or to prevent another [person] from the exercise of his rights.

ART. 41. The right of public or private assembly, for lawful purposes and without arms, is guaranteed. The law will regulate the right of public assembly and that of demonstration.

ART. 42. Rights of association and of unionization for lawful purposes are guaranteed; these rights will be exercised in conformity with the laws.

ART. 43. Freedom of petition before any public authority or official entity is guaranteed, with the right of obtaining a seasonable response.

ART. 44. The Nation guarantees the right of active and passive suffrage in the terms foreseen in this Constitution.

ART. 45. The right of accusing officials who are responsible for violation of their duties is guaranteed to every citizen before the tribunals.

ART. 46. The Nation guarantees equality to all its inhabitants, by virtue of which:

1st. All are judged by the same laws and equally enjoy their protection.

2nd. Titles of nobility or hereditary distinctions will not be granted, nor will racial discriminations be permitted.

3rd. The identification of a person for acts in civil life will not include any mention that refers to the nature of the filiation, establishes differences in births, or indicates the civil status of the parents.

4th. No other official form of address will be given aside from "citizen" and "you," except for diplomatic formulas.

CHAPTER III

Concerning the Family

ART. 47. The State will protect the family, whatever may be its origin, as well as maternity, independently of the civil status of the mother, who will, furthermore, be assisted in case of desertion.

ART. 48. The law will determine whatever relates to the organization of the unattachable family patrimony.

ART. 49. The State guarantees the full protection of the child from its conception to its complete development in such a way that the latter is fulfilled in an atmosphere of material and moral security.

In consequence, the [following] necessary conditions, among others, are established:

1st. So that children may enjoy the right of recognition by their parents.

2nd. So that parents may comply with the duty of assisting, educating, and providing for their children, whatever may be the filiation of the latter.

3rd. So that minors may be aided and judged by special laws.

4th. To prevent the exploitation of minors in work.

The State will share with the parents, in a subsidiary manner and with attention to the economic situation of the latter, the responsibility that is incumbent on them for the development of the children.

A special code will regulate this protection and will establish an agency charged with its direction.

ART. 50. The State will obtain the elimination of the social causes of prostitution and will watch over the recovery of those affected by it.

CHAPTER IV

Concerning Health and Social Security

ART. 51. The State will watch over the maintenance of the public health.

All inhabitants of the Republic have the right to protection of their health. The State will establish the necessary services for the prevention and treatment of illness.

ART. 52. The inhabitants of the Republic have the right to live protected against the hazards of a social character that may affect them and against the needs derived from them.

The State will establish, in progressive form, a full and efficient system of social security and will promote the construction of low-cost dwellings intended for the weak economic classes.

CHAPTER V

Concerning Education

ART. 53. The right to education is guaranteed to all inhabitants of the Republic.

Education is an essential function of the State, which will have the obligation of creating and sustaining sufficient institutions and services to care for the educational needs of the country and of providing to the Venezuelan people the indispensable means for the betterment of their cultural level.

ART. 54. National education will be organized as an integral process, correlated in its several parts, and will be oriented to attain the harmonious development of the human personality, to develop citizens prepared for life and for the practice of democracy, to promote the culture of the Nation, and to develop a spirit of human solidarity.

ART. 55. Liberty of instruction is guaranteed. Every natural or juridical person may dedicate himself freely to the sciences or the arts and institute professorships or establishments for instruction in them, under the supreme inspection and supervision of the State, with the limitations and under the conditions of orientation and organization that the law fixes.

The State will establish as its exclusive function the formation of the national body of professors and teachers.

ART. 56. Private initiative in educational matters will be worthy of the stimulation of the State, provided that it agrees with the principles contained in this Constitution and in the laws.

ART. 57. Education must be under the charge of persons of teaching competence, verified in accordance with the law.

The State guarantees to professional [persons] in education a system of work and a standard of living in accord with their elevated mission.

ART. 58. Primary education is obligatory. Education imparted in official establishments is gratuitous in all grades. The State will, in accordance with the law, provide to individuals who lack resources the means necessary in order that they may comply with the scholastic obligation and prosecute studies without other limitations than those derived from their vocation and their aptitude.

ART. 59. The artistic and historical wealth of the country is under the control and protection of the State, in accordance with the law.

ART. 60. Professions that may require a degree may not be practiced without possessing it and without fulfilling the formalities that the law requires. The law will determine which professions must be practiced by means of licensing, by the State, with the respective degree.

Sole Paragraph. The State reserves to itself the right to establish the obliga-

tion under which professionals must lend their services to the Nation and in conformity with what the law establishes.

CHAPTER VI

Concerning Labor

ART. 61. Labor is a duty and a right. Every individual must contribute to the progress of society by means of labor. The State will endeavor to see that every competent person may obtain the means of subsistence through labor and, by reason of the latter, will prevent the establishment of conditions that in any form diminish the dignity or the freedom of persons.

ART. 62. The law will provide whatever is necessary for the greatest efficiency, responsibility, and stimulation of labor, regulating it adequately and establishing the protection that must be given to workers in order to guarantee their stability in labor and the improvement of their material, moral, and intellectual conditions. The Nation will promote the technical instruction of workmen.

ART. 63. Labor legislation will be dedicated to the following rights and precepts, applicable to manual as well as to intellectual or technical labor, in addition to others that contribute to improve the conditions of the workers:

1st. A maximum normal working period of eight hours in the day and seven at night, except for specified occupations, with remunerated weekly rest, in accordance with the law. This must tend toward the progressive diminution of the maximum working period, in general, or for specified industries, in particular.

2nd. Equal pay for equal work, without distinction of sex, nationality, or race.

3rd. A minimum and essential wage, sufficient to satisfy the needs of the worker.

4th. Remunerated annual vacations, without distinction among workers and employees.

5th. Responsibility for professional hazards.

6th. Previous notice and indemnification in case of the termination or rupture of the labor contract, a premium for seniority, and a pension after the time of service, under the conditions that the law fixes.

7th. Stability of labor for members of the governing boards of workers' unions, except in cases of fully justified retirement.

8th. A collective labor contract, in which a unionization clause must be included.

9th. Conciliation to resolve conflicts between employers and workers.

10th. The right to strike, except in the public services that the law determines.

11th. Special protection for the work of minors and of women: with

the right, for the first, of apprenticeship and fixation of the minimum age for admission to various kinds of work, and, for the second, of remunerated rest before and after childbirth.

12th. A system of participation by employees and workers in the profits of undertakings, and the promotion of savings among the same [groups].

13th. Responsibility for the fulfillment of social laws, on the part of the natural or juridical person for whose benefit the service is given, even though the labor contract may be effected by an intermediary or a contractor, without preventing the responsibility of these latter.

14th. The unattachability of wages, in the proportion and the cases that the law fixes.

15th. Exemption for the credits of workers when they are derived from profits or rights granted by law.

16th. Irrenounceability of legal provisions that may favor workers.

ART. 64. The State will incline toward the establishment of family wages through adequate institutions, in conformity with the law.

CHAPTER VII

Concerning the National Economy

ART. 65. The Nation guarantees the right of property. By virtue of its social function, property will be subject to the taxes, restrictions, and obligations that the law may establish for purposes of public utility or general interest.

Every author or inventor has exclusive property in his work or invention, and whoever designs a trademark, the right of exploiting it; all of these in conformity with the standards that laws and treaties may establish.

The law may establish special prohibitions on the acquisition, transfer, use, and enjoyment of specified kinds of property, whatever may be its nature, condition, or situation in the national territory.

ART. 66. The State will deal with the defense and conservation of the natural resources of the Venezuelan territory, and will regulate the use, enjoyment, and development of the former, in accordance with the purposes previously mentioned.

ART. 67. Expropriation of any kind of property may be declared, in conformity with the law, solely for reasons of public utility or social interest, by means of a final judgment and payment of the [agreed] price.

When the expropriation deals with lands intended for the accomplishment of agrarian reform, and expropriation of real property for purposes of enlargement and preparation of settlements, payment may be deferred for a specified time, by the prior executing of a sufficient guarantee, in conformity with what the law may establish.

Confiscations of property may be decreed or effected in no case, except

for what is provided in the second clause of Article 21 of this Constitution.

ART. 68. The right of private territorial property is conditioned by the preceding provisions and by the obligation of maintaining lands and forests, which are its object, in socially useful production. The law will determine the effects of this provision and the conditions of its application.

ART. 69. The State will undertake a planned and systematic program oriented to transform the national agrarian structure, to systematize agricultural and stockraising development, to organize and distribute credit, to improve living conditions in the rural medium and the progressive economic and social emancipation of the peasant population.

A special law will determine the technical and other conditions, in accord with the national interest, by means of which [there] will be made effective and efficacious the exercise of the right that the State recognizes for associations of peasants and for individuals, competent for agricultural or stockraising work but who lack cultivable lands or who do not possess them in sufficient amount, to be given them and [to be given] the means necessary to make them productive.

ART. 70. Lands acquired by nationals or aliens in Venezuelan territory and intended for the exploitation of mineral concessions, including those of hydrocarbons and other combustible minerals, will pass in full ownership to the patrimony of the Nation, without any indemnification, upon the respective concession being extinguished for any reason.

ART. 71. The State will protect and develop the organization of every kind of co-operatives and institutions intended to improve the popular economy. The law will assure the seasonable provision of the necessary technical, administrative, and economic elements.

ART. 72. It is the function of the State to obtain the incorporation of the Indian into the national life.

Special legislation will determine whatever is related to this matter, taking into account the cultural characteristics and economic conditions of the indigenous population.

ART. 73. Everyone may dedicate himself freely to commerce or industry and to the practice of any other lucrative activity, without other limitations than those established by this Constitution and the laws for reasons of sanitation or of public security. The State will protect private initiative, but may reserve to itself the exercise of specified industries, exploitation, or services of public interest in order to assure the normal functioning of these or the defense or credit of the Nation, and the right to enact measures of an economic nature for planning, systematizing, and developing production and regulating the circulation and consumption of wealth, for the end of procuring the development of the national economy.

Monopolies may not be granted; but concessions may be granted, with an exclusive character and for a limited time, in order to promote the estab-

lishment and development of works or services of general utility, provided that they do not involve, directly or indirectly, the obligation of guaranteeing interest or profits to the capital invested.

ART. 74. Exportation may not be prohibited or limited unless the general interests of the Nation may require it.

ART. 75. The Republic will have a council of national economy, composed of representation from capital, labor, the liberal professions, and the State, in the form and with the powers that the law determines.

CHAPTER VIII

Concerning the Suspension and Restriction of Guarantees

ART. 76. In cases of civil or international war, or when there exists imminent danger of one or the other occurring, or for grave circumstances that may affect the economic or social life of the Nation, the President of the Republic may, in Council of Ministers, restrict or suspend, in all of the national territory or in part of it, the exercise of the constitutional guarantees, with the exception of those indicated in Article 29 and in Ordinal 9th of Article 30 of this Constitution.

The decree of restriction or suspension of guarantees will express:

- 1st. The reasons that may justify it.
- 2nd. The specification of the guarantees that are restricted or suspended.
- 3rd. The territory that the restriction or suspension will affect.

Guarantees will be restricted or suspended only when it may be required for the security of the country and the restoration of normality, and the decree that orders the restriction or suspension will be submitted to the national Congress or to the permanent committee of the same within the ten days following its promulgation, and will be revoked on cessation of the reasons that caused it.

ART. 77. If circumstances should not require the restriction or suspension of guarantees, but if there should be established indications of the existence of plans or activities that may have as an object the overthrow of the constituted authorities, by a *coup d'état* or other violent means, the President of the Republic, in Council of Ministers, may order the preventive detention of the persons with regard to whom there are grave reasons for considering them compromised in said plans or activities. These measures will be submitted, within the ten days following their execution, to the consideration of the national Congress or, during the recess of the latter, to the permanent committee, for its approval or disapproval; and will be suspended on the cessation of the reasons that caused them. If they should be approved by the national Congress or by the permanent committee, and not suspended within the sixty days following said approval, the President of the Republic, this latter term being completed, will sub-

mit them to the cognizance of the Supreme Court of Justice, which will decide on their maintenance or suspension, taking into account, in addition to the legal provisions, the security of the State and the preservation of public order.

ART. 78. A restriction of guarantees will not in any case affect the functioning of the public authorities of the Nation, the members of which will always enjoy the prerogatives that the law recognizes for them.

TITLE IV

Concerning Sovereignty and the Public Power

CHAPTER I

Concerning the Suffrage

ART. 79. Sovereignty resides in the people, who exercise it by means of the suffrage and through the agency of the public powers.

ART. 80. The suffrage is a public right and function restricted to Venezuelans, but it may be extended, for municipal elections and conformably to the law, to aliens who have more than ten years of uninterrupted residence in the country.

ART. 81. All Venezuelans, men and women, more than eighteen years of age, not subject by a definitely final sentence to civil interdiction or penal condemnation which carries in itself political disqualification, are electors.

ART. 82. Electors more than twenty-one years of age, who know how to read and write, are eligible and competent for the discharge of any public office without other restrictions than those established in this Constitution and those derived from the conditions of aptitude that the laws may require for the exercise of specified offices.

ART. 83. The law will regulate the principle of proportional representation of minorities, and will incline against the predominance of any party or political group in the [public] agencies.

CHAPTER II

Concerning the Public Power and Its Exercise

ART. 84. The public power will be exercised in conformity with this Constitution and the laws that define its attributes and faculties. Every act that exceeds said definition constitutes a usurpation of powers.

ART. 85. The Republic is in the same manner possessed of the right of ecclesiastical patronage [and] will exercise it in conformity with what the law determines. Nevertheless, it may negotiate conventions or treaties to regulate relations between the Church and the State.

ART. 86. The public power is distributed among the municipal power,

that of the States, and the national; and its organization and functioning are regulated, in every case, by the principles of republican, federal, popular, representative, alternative, and responsible government.

ART. 87. All usurped authority is ineffective and its acts are null. Every decision agreed to because of the direct or indirect application of force, or the assemblage of people with a subversive attitude, is similarly null.

ART. 88. The exercise of the public power occasions individual responsibility for exceeding the faculties that this Constitution indicates or for violation of the law that determines its functions, in the terms that [the law] itself establishes.

All public officials are, moreover, subject to penalty, in conformity with the law, for the offenses they may commit.

ART. 89. Every public official is obliged to take an oath before taking possession of his office, to prepare a sworn statement of his property in the cases that the law determines, and to be subjected to all the requirements and consequences that the latter determines for the exercise of offices that may involve administration of public funds.

ART. 90. The State will enact a statute which will govern its relations with public officials and employees, in which will be established the standards of entrance to the administration and those of promotion, transfer, suspension, and retirement.

Public employees are in the service of the Nation and not of any political faction.

ART. 91. No one may at the same time discharge more than one remunerated public office. The acceptance of a second office of this kind implies resignation from the first. Contingent, academic, electoral, teaching, advisory, and edilitian offices are excepted from this provision.

ART. 92. No public employee may receive offices, honors, or recompense from foreign governments without previously obtaining the appropriate authorization from the Chamber of the Senate. Violators will be penalized in conformity with the law.

CHAPTER III

Concerning the National Armed Forces

ART. 93. The national armed forces constitute a non-political institution, essentially professional, obedient, and not deliberative; and they are organized in order to assure the national defense, to maintain internal stability, and to guarantee the fulfillment of the Constitution and the laws.

It is not permitted to them in time of peace to make requisitions or to require aid of any kind except from the civil authorities and in the form and manner that the law determines.

ART. 94. The national armed forces are classified and organized in con-

formity with the law and will have the particular missions that the latter indicates for them.

ART. 95. The State will see to it in the organization and functions that it may fix for the national armed forces that they always respond to the standard of dignity of their components and to the concept of an impersonal institution in the exclusive service of the Nation.

The armed military forces will have, as a specific mission, to guarantee national defense, and only in the circumstances that the law indicates may other contingent functions be assigned to them, which, in any case, must be related to the maintenance of public order.

ART. 96. The armed military forces will be constituted by the contingent that, proportionally to its population, is called to service in each one of the States, in the federal district, and in the federal territories and dependencies, in accordance with the law.

ART. 97. The States and the municipalities may not maintain other forces than those of municipal police.

ART. 98. All elements of war that may be found in the country or introduced from abroad belong to the Nation and must be under the control of the executive department that the law indicates.

ART. 99. Members of the national armed forces may not, while they remain in active service, exercise the right of suffrage, belong to political groups, or take part in the activities of the latter.

ART. 100. On days of balloting, the national armed forces will be in permanent commission of service [i.e., restricted to quarters] and may leave their quarters only in order to assure public order and the normal and free development of the balloting.

ART. 101. Military ranks may be obtained only in conformity with the law, and their possessors may not be deprived of them or of their honors and pensions except in the cases and in the form that it determines.

ART. 102. The President of the United States of Venezuela is the supreme hierarchical authority of the national armed forces, and will command them through the executive departments and by means of the officials that the law indicates.

ART. 103. The supreme council of national defense is the highest organ of direction and co-ordination of the national armed forces, and will be composed of the President of the Republic, who will preside over it, and the members of the Executive Cabinet and the officers of said forces whom the law determines.

CHAPTER IV

Concerning International Relations

ART. 104. The Nation will co-operate in the international community for the accomplishment of the ends of common security and defense, conform-

ably to what is provided in this Constitution and in international pacts duly approved and ratified.

ART. 105. International treaties, conventions, or agreements that the Executive negotiates must be approved by the national Congress in order that they may have validity, unless the executing or perfecting of pre-existing obligations of the Republic, the application of principles expressly recognized by it, the execution of ordinary actions in international relations, or the exercise of powers that the law attributes expressly to the Executive are involved.

Nevertheless, the permanent committee of the national Congress may authorize the provisional execution of international treaties or agreements the urgency of which may so require it, which will be submitted, in every case, to the later approval or disapproval of the legislative Chambers.

The national Executive will, in every case, give an account of the treaties, conventions, or agreements that he negotiates, with a precise indication of their character and content, to the legislative Chambers in their next sessions, whether or not they are subject to the approval of the latter.

ART. 106. In international arbitrations that the Republic joins, a clause will be inserted by which the parties are obliged to decide controversies that may arise between them with regard to the interpretation or execution of the pact by pacific means recognized by international law or previously agreed upon by them, if such may be the case, provided that it is deemed necessary, given the kind of the latter, or if the procedure that must be followed for its enactment so permits it.

ART. 107. No contract of public national, state, or municipal interest may be negotiated with foreign governments, or transferred to them in whole or in part. Nor may those agreed to with third parties be negotiated with corporations that are not domiciled in Venezuela, or transferred to the latter.

The authorization of the legislative Chambers, or of the permanent committee if it should be urgent and the Chambers are in recess, will be required, in every case, in order to negotiate such contracts with foreign official or semi-official entities with autonomous juridical personality or to transfer them to the latter in whole or in part.

ART. 108. Even though it should not be expressed, a clause by which it is established that the doubts and controversies that may arise over said contracts and which do not come to be amicably resolved by the contracting parties will be decided by the competent tribunals of Venezuela in conformity with its laws, will be considered incorporated in the contracts to which the preceding article refers, if it should be forthcoming in accordance with the nature of the same, without their giving rise, for any reason, to foreign claims.

TITLE V

Concerning the Municipal Power

ART. 109. A municipal council, which will enjoy full autonomy with regard to that which relates to the economic and administrative system of the municipality, will exercise the municipal authority in each district of the States, the federal district, and the federal territories, without other restrictions than those established by this Constitution.

The organic law of the federal district may, nevertheless, establish a special system for its municipal authority, in accordance with the needs of the departments that may constitute it.

ART. 110. The municipal governments, in their character as persons of public law, have juridical personality, and their representation is incumbent on the municipal council as the agent of the municipalities that compose the district.

ART. 111. The Nation guarantees the autonomy of the municipal governments, and hence:

1st. Municipal councils may not be interfered with, in the exercise of their functions, by national or state authorities, and the ordinances, agreements, or resolutions that they adopt may not be vetoed, or in any manner impugned, except before a competent judicial authority, in the cases and by means of the procedure that the law indicates.

2nd. No national or state authority may coerce, impede, or suspend municipal officials in the exercise of their functions. Only judicial authorities, by means of the procedure and for the reasons that the law indicates, will undertake the suspension of officials of the municipal branch when they become liable for violations that the law itself defines.

3rd. Every authority will respect the fiscal autonomy of the municipal governments, and, in consequence, will abstain from invading the competence of the latter for organizing and administering their revenues and of recovering from said revenues all or part of the moneys that the municipality collects.

4th. Municipalities will not be obliged to pay for national or state services that may be organized for their benefit and the administration of which they have not assumed, except when such obligation results from a legally negotiated contract.

ART. 112. It is within the competence of the municipal government:

1st. To organize its services of police, supply of provisions, cemeteries, municipal ornamentation, civil architecture, public lighting, aqueducts, urban transportation, institutions of credit, and others of a municipal character.

2nd. To organize its services of social welfare, subject to national laws

and regulations and under the inspection and supervision of the respective national service, without prejudice to what is established in Clause 18 of Article 138 of this Constitution.

3rd. To organize adequate services in order to combat debauchery, vagrancy, alcoholism, illiteracy, and prostitution, in accordance with the respective national laws and regulations.

4th. To promote and direct urban planning, in agreement with the standards that the law establishes and in co-ordination with national technical agencies.

5th. To organize and administer its revenues, which are constituted by the income arising from the following divisions:

I. Licenses on industry, commerce, and all classes of vehicles.

II. Taxes and imposts on urban real property and public spectacles.

III. The sale, lease, or exploitation of communally owned lands and other of its own properties, without prejudice, with reference to the alienation of communally owned lands, to what is provided in Article 119 of this Constitution.

IV. Fees from public scales, aqueducts, cemeteries, public lighting, and other municipal services.

V. The income from pecuniary fines that the municipal authorities may impose in the exercise of their legal functions, and that from those which, by virtue of special laws, are intended for the municipal treasury, whatever may be the authority that imposes them.

VI. The share of the constitutional allowance that belongs to it in conformity with Article 238 of this Constitution, and

VII. Others of a municipal character.

ART. 113. The national Congress may, by special law, assign other financial affairs to municipal competence.

ART. 114. Members of the municipal councils will be elected by universal, direct, and secret ballot, in conformity with the law.

ART. 115. The president of the municipal council is the specific executive agent of the decisions of the body, and will be elected by it, from its own membership, in accordance with the law.

ART. 116. The office of councilor is obligatory and incompatible with any other remunerated office of the executive branch, except for contingent, academic, teaching, or advisory offices.

ART. 117. Municipalities, in the exercise of their autonomy, will respect what is provided in Articles 121 and 138 of this Constitution and will be subject to the restrictions indicated in Article 127 of the same.

ART. 118. The Nation recognizes that the possession of communally owned lands is an indispensable condition for the progress and development of settlements, and, in consequence, in conformity with the law, it will prepare a property list of communally owned lands, will endow each mu-

nicipality with these, and will lend its assistance for the recovery of municipal lands that are or may be unlawfully occupied.

ART. 119. Communally owned lands are inalienable and imprescriptible, except for buildings in the cases and after the formalities indicated in the respective municipal ordinances.

TITLE VI

Concerning the Power of the States

CHAPTER I

General Provisions

ART. 120. The States reciprocally recognize their autonomy; they are declared equal as political entities; they retain competence in all its fullness in matters not reserved by this Constitution to other authorities; and they declare that their first duty is the preservation of the independence and integrity of the Nation. The States may never, in consequence, interrupt national unity, or ally themselves with a foreign power, or seek its protection, or cede to it any portion of their territory, but they will be defended by and will defend the Nation from any violent attempt against national sovereignty.

ART. 121. It is the function of the States:

- 1st. To retain their present names or to change them.
- 2nd. To adopt their own constitutions and to organize and elect their public authorities, in conformity with this Constitution and the laws.
- 3rd. To establish or modify their politico-territorial division.
- 4th. To administer their own properties, with the exception of what is indicated in Ordinal 12th of Article 138, and to dispose of the constitutional allowance and the other revenues that belong to them, subject to what is provided in Articles 238 and 247 of this Constitution.
- 5th. To decree, for productive works of public interest, internal loans, the annual obligations of which may not exceed, in any case, ten per cent of the ordinary budget of revenues.
- 6th. To further and promote the development of the production and increase of the general business affairs of the State and to co-operate with the national or municipal authorities in the better supply of provisions to the population and in the maintenance of the normal level of prices of articles of prime necessity in order to avoid speculation and a high cost of living.
- 7th. To open and maintain secondary [*vecinales*] roads and to execute the state public works that may be necessary, without prejudice to the rights that belong to the Nation and the municipalities to undertake, on their own account, those they may find convenient.

Projects of works that may so require it must be previously submitted for the approval of the appropriate national technical agencies.

8th. All others not expressly reserved by this Constitution or the laws to the Nation or to the municipalities.

ART. 122. The States will give entire faith to the public acts of the national authorities, of the other States, and of the municipalities, and will cause them to be complied with and executed.

ART. 123. Without prejudice to requiring the services of the authorities of the States in all cases in which they must lend their co-operation to the national Government, the latter may have the necessary national officials and employees and the officers, soldiers, and employees of the armed forces in the territory of the former.

Commanders of forces, and other national employees in the States, will have jurisdiction only in what relates to their respective offices, without any exemption or privilege that differentiates them from other citizens resident in the respective State; but the latter may not impose on them duties that may be incompatible with the national service with which they are charged.

ART. 124. The States may not, in any case, declare or make war, and they will preserve strict neutrality in dissensions that may occur among other States, while they are not required to act for the national Government, to which they must give their co-operation in measures that it adopts for the re-establishment of peace.

ART. 125. The States will not allow enlistments or levies in their territory that may have the object of violating the peace, liberty, or independence of other nations or of disturbing the internal peace of the Republic.

ART. 126. The national Government may establish in the territory of the States the forts, wharves, warehouses, shipyards, airdromes, penitentiaries, quarantine stations, and other works necessary for national administration.

ART. 127. The States may not:

1st. Negotiate loans abroad.

2nd. Levy customs, assess imposts on the importation, exportation, or transit of foreign merchandise in transit for foreign territory, or on any other financial matters that fall within national or municipal competence.

3rd. Assess imposts on the transit of any kind of goods, whether they be national or foreign.

4th. Maintain other forces than those of the municipal police.

5th. Prohibit the consumption of goods produced outside of their jurisdiction, or burden them with taxes different from those that are paid for the consumption of those same goods when they are produced in the locality.

6th. Tax any kind of consumption goods, whether national or foreign, except on entering into circulation within the State.

7th. Levy taxes on livestock or on its products or by-products.

CHAPTER II

Concerning the Organization of the States

FIRST SECTION

Concerning the Legislative Power

ART. 128. The exercise of the legislative power and the control of the state administration belong to the legislative assembly, which will be regularly assembled in the capital of the State on June 1st of each year or on the earliest date possible [thereafter].

ART. 129. The legislative assembly will be elected by direct, universal and secret ballot, in accordance with the law, and its composition will be governed by the respective constitutions.

ART. 130. The office of representative in the legislative assembly is incompatible during each respective term with any office in the executive branch, except those of an academic, teaching, or advisory character.

ART. 131. Powers of the legislative assemblies are:

1st. To enact the constitution and the organic laws of the State, and to legislate on matters falling within the competence of the same.

2nd. To approve or disapprove the administration of the governor of the State. Disapproval will bring about the right of removal of the governor when it may be so decided by two-thirds of the members of the assembly.

3rd. To approve or modify the budget bill of public revenues and expenditures that the governor of the State presents to it, without impairing what is provided in Article 238 of this Constitution, and

4th. Others that this Constitution, that of the State, and the laws attribute to it.

SECOND SECTION

Concerning the Executive Power

ART. 132. The government and administration of the State, in so far as it is not attributed to another authority, is within the competence of the governor, who, in conjunction with his secretaries, exercises the executive authority in accordance with this Constitution, that of the State, and the laws.

ART. 133. To be governor it is necessary to be a Venezuelan by birth, of majority age, of secular status, and to be in full enjoyment of his civil and political rights.

ART. 134. The governor is the agent of national authority in the respective State, and, in such character, will comply with and cause to be complied with the Constitution and the laws of the Republic and will execute

the orders and decisions of the national executive branch in matters within the competence of the latter.

ART. 135. In addition to those that belong to them as agents of national authority, governors have the following duties and powers:

1st. To appoint and remove their secretaries, officials of the executive branch, and other employees subordinate to them, without prejudice to what laws that regulate the administrative career may provide.

2nd. To present annually a detailed report of their government and an account of their administration to the legislative assembly, for its approval or disapproval.

3rd. To present annually to the same assembly the budget bill of public revenues and expenditures of the State for its consideration and sanction, and

4th. Others that the constitutions and laws of the States assign to them.

ART. 136. Temporary absences of the governor will be filled by the secretary whom he designates.

TITLE VII

Concerning the National Power

CHAPTER I

General Provision

ART. 137. The national power is divided into legislative, executive, and judicial.

Each one of these branches of the national power has its own functions, but the agencies that pertain to them will collaborate among themselves and with other public authorities in their exercise, in the achievement of the purposes of the State.

CHAPTER II

Concerning the Competence of the National Authority

ART. 138. The following are within the competence of the national authority:

1st. The international action of the United States of Venezuela as a sovereign Nation.

2nd. Whatever relates to the national flag, coat-of-arms, hymn, and holidays; and to decorations and honors that the Republic grants.

3rd. Defense of and supreme vigilance over the general interests of the Nation, the preservation of public peace, and the correct application of the laws in all national territory.

4th. The administration of justice, the Public Ministry, and the system of jails and penitentiaries.

5th. The organization and government of the federal district and of the federal territories and dependencies.

6th. Everything that concerns elections, naturalization, the admission and expulsion of aliens, immigration and colonization, expropriations for reason of public or social utility, literary, artistic, and industrial property, and public registry.

7th. The system of weights and measures.

8th. Everything that concerns banks and other institutions of credit, without prejudice to what is provided in Ordinal 1st of Article 112 of this Constitution.

9th. Everything that concerns the national monetary system and the circulation of foreign money in the country.

10th. The organization, control, collection, and expenditure of the income of revenues or of capital; of the income from revenue stamps, estates, registry; alcohol and liquors; matches, tobacco, and cigarettes; mines and hydrocarbons; and other revenues, not assigned to the States or the municipalities, which the law creates with the character of national taxes.

11th. The system of customs, and the organization, control, collection, and expenditure of the imposts and fees charged in them.

12th. The administration of salt works, unoccupied lands, mines and hydrocarbons, and pearl-oyster beds, and the maintenance, development, and utilization of woodlands, waters, and other natural wealth of the country. The national Executive may sell, lease, or give by free acquisition the unoccupied lands, always granting a right of preference in favor of the occupants; but he may not alienate salt beds or grant mineral concessions for an indefinite time. The revenue from said properties, including the product of the sale of unoccupied lands, will enter the national treasury.

Unoccupied lands located in maritime, fluvial, or lacustrine islands may not be alienated, and their utilization may be granted only in a form that does not involve, directly or indirectly, a transfer of title to the land. The law may establish a system of special economic division for the benefit of the States in the territory of which the properties mentioned in this clause are located.

13th. Everything that relates to the national armed forces and to the elements that compose them.

14th. The preparation of the census and of national statistics.

In all acts in which it may be necessary to take the population, of the Nation as well as of the States, the federal district, and the federal territories and dependencies, as a basis, the latest census of the Republic approved by the national Congress will serve as a standard.

15th. Everything that relates to the establishment, co-ordination, and unification of technical standards and procedures for the planning and

execution of engineering, architectural, and urbanization works, and the creation and functioning of the appropriate agencies.

16th. The planning and execution of national public works.

17th. The opening and maintenance of routes of national communication; aerial traction cables and railways, even though they are within the boundaries of one State, except when urban street- or cable-cars are involved, the concession for and regulation of which belong to the respective municipalities.

18th. Everything that concerns national education.

19th. The technical direction, the establishment of administrative standards, and the co-ordination of services intended for the defense of public health. The law may decree the nationalization of these public services in agreement with the collective interest.

20th. Everything that relates to animal and vegetal sanitation.

21st. The maintenance and promotion of agriculture and stock breeding.

22nd. Everything that relates to labor and social welfare and security.

23rd. Everything that relates to terrestrial, maritime, aerial, fluvial, and lacustrine transportation.

24th. Everything that relates to the system of mails, telegraph, telephones, and wireless communications.

25th. Regulatory legislation for the guarantees granted by this Constitution; civil, mercantile, penal, and procedural legislation, and that relative to all matters within national competence, and

26th. All other matters that the present Constitution assigns to national authorities.

ART. 139. The legislative Chambers, by the vote of two-thirds part of their members, may assign specified matters within the national competence to the States or to the municipalities, for the purpose of promoting administrative decentralization. The Chambers may likewise legislate on the organization and functioning of the police service in all of the territory of the Republic, by means of the procedure and by the majority indicated in this Constitution for the approval of laws.

ART. 140. The constitutional terms of the national public authorities will continue five years.

CHAPTER III

Concerning the Legislative Power

FIRST SECTION

General Provisions

ART. 141. The exercise of the legislative power belongs to the national Congress, which is composed of two Chambers: that of Deputies and that of Senators.

ART. 142. The following may not be elected Deputies or Senators:

1st. The President of the Republic and the Ministers of the executive departments, the Magistrates of the Supreme Court of Justice, the Solicitor General of the Nation, the Attorney General of the Nation, and the Comptroller General of the Nation, until three months after separation from their offices.

2nd. Relatives of the President of the Republic within the second degree of consanguinity or affinity.

3rd. Governors of the States, of the federal district, and of the federal territories, while they are in possession of their offices and within the three months following the termination of their tenure.

4th. Directors, administrators, or representatives of official, autonomous institutions, or of organizations or enterprises in which the State may have a decisive economic participation, while they are in possession of their respective offices and within the three months following the termination of their tenure.

5th. Any other public official or employee who, on the date of his petition or within the thirty days prior to the date of the election, may fill a remunerated office, unless it be contingent, electoral, teaching, or advisory, or in the legislative branch.

6th. Citizens who, on the date of their petition or within the thirty days prior to the date of the election, may act, in their own names or in the interest of another, as contractors or agents in business of the State, in the cases that the law determines.

ART. 143. Deputies and Senators may be appointed Ministers of the departments of the national executive branch and exercise positions as chiefs of diplomatic missions, becoming reincorporated in the membership of their respective Chambers on ceasing their functions; but they may not accept any other remunerated public office during the whole period of their mandate, or within the six months following its termination, unless it involves [positions as] substitutes when they do not definitively replace the incumbent, or contingent, electoral, academic, teaching, or advisory offices, in the cases that the law determines.

ART. 144. Deputies and Senators may not negotiate, in their own names or in representation of another, any contract with the Nation, the States, or the municipalities, or present claims to them for third parties.

ART. 145. Deputies and Senators are not at any time responsible for the opinions they may express in the exercise of their functions.

ART. 146. No Deputy or Senator may, while his office continues, be imprisoned, arrested, confined, or in any manner detained or coerced in the exercise of his functions, unless he becomes liable *in flagrante delicto*. In this case and in any other in which the commission of a punishable act is imputed to a Deputy or Senator, an immediate account will be given to the respective

Chamber, which is competent, by a vote of two-thirds part of its members, to decide on the appropriate prosecution and the suspension of the indicted person from his functions; he may be reincorporated in it upon the removal, by a definitive verdict, of the bases for the judgment.

The investigating Chamber will, in every case, order the initiation, continuation, or cessation of proceedings within five days from the beginning of the session in which it has been given an account of the facts.

ART. 147. The Chambers will be vigilant to see that the immunity which protects their members is respected in all its fullness, and they may order the freedom of those who are detained and the cessation of trials instituted against them, for the time of the sessions or for that which remains until the expiration of the respective constitutional term. Nevertheless, they may authorize the continuation of the judicial proceedings when the Deputy or Senator who is party to the same expressly requests it.

ART. 148. During the recess of the legislative Chambers, the permanent committee will take cognizance of causes that may affect the immunity of Deputies and Senators; but its decisions will require the vote of two-thirds part of the whole of its members and will be without effect when they are not ratified by the respective Chamber in the immediately following sessions of the national Congress.

ART. 149. The law will fix the monthly emoluments that Deputies and Senators will receive for their services during the whole term of their office; but increases that the Chambers may grant in said remuneration may enter into force only after the renewal of the latter.

ART. 150. The law will determine the manner of filling permanent vacancies of members of both Chambers when the respective list of substitutes is exhausted.

SECOND SECTION

Concerning the Chamber of Deputies

ART. 151. In order to form the Chamber of Deputies, the voters of each district will elect, by universal, direct, and secret ballot and in conformity with the respective law, one Deputy for every 40,000 inhabitants and one more for an excess of not less than 20,000. An electoral district the population of which is not sufficient for electing two Deputies will elect this number in any case.

The federal territories will elect a total of two Deputies, in the form that the law determines.

First Paragraph. Substitutes, who will fill the permanent or temporary absences of the incumbents, will likewise be elected, in conformity with the law.

Second Paragraph. The law may establish the election of additional Deputies to effect the principle of proportional representation of minorities.

ART. 152. Venezuelans who fulfill the conditions indicated in Article 82

of this Constitution and who are not included in the cases mentioned in Article 142 may be elected Deputies; but Venezuelans by naturalization must, in addition, be domiciled in the country and have the status of naturalized [Venezuelans] for a time not less than eight years.

ART. 153. Exclusive powers of the Chamber of Deputies are:

1st. To accept and initiate discussion of the general budget bill of public revenues and expenditures, and of any others concerning the fiscal system of the Nation.

2nd. To give a vote of censure to Ministers of departments.

A motion of censure must be entrusted previously to the secretariat of the Chamber; it may be discussed not earlier than forty-eight hours after its presentation, and will take effect if it is approved by two-thirds of the Deputies present, who, in the same action, will decide if the censure occasions the removal of the Minister. In such case, the vote of censure will be communicated to the President of the Republic in order that he may execute it and direct the trial of the Minister if he has incurred liability, and

3rd. Others that the law indicates.

THIRD SECTION

Concerning the Chamber of Senators

ART. 154. To form the Chamber of Senators, two incumbent Senators and two substitutes will be elected in each State and in the federal district by universal, direct, and secret vote and by the majority that the law determines.

The law will establish the form of election of additional Senators, based on a national quotient, to effect the principle of the proportional representation of minorities; but in no case may more than two Senators be assigned to a party or a political group by this system.

ART. 155. Venezuelans by birth who, in addition to the qualifications indicated in Article 82 of this Constitution, are more than thirty years of age and are not included in the cases indicated in Article 142 of the same, may be elected Senators.

ART. 156. Exclusive powers of the Chamber of Senators are:

1st. To grant to illustrious Venezuelans or to foreigners who may have rendered eminent services to the Republic the honors of the national pantheon, twenty-five years having elapsed since their death.

2nd. To authorize the promotion of military and aviation officers from colonel, and of naval officers from captain, both inclusive.

3rd. To authorize the employees of the Nation, the States, or the municipalities to receive offices, honors, and compensation from foreign governments, without which they cannot accept them, and

4th. Others that the laws may indicate.

FOURTH SECTION

Provisions Common to Both Chambers

ART. 157. The legislative Chambers will be assembled in the capital of the Republic on April 19th of each year, or on the earliest date possible [thereafter], without the necessity of being previously convoked.

Regular sessions of the legislative Chambers will continue ninety days but may be prorogued up to ninety days more, by means of a favorable vote of two-thirds part of the Congress, on the initiative of either of the Chambers or of the national Executive.

During the period to which this article refers, all days and hours will be working [days] and whatever is enacted in them will be considered as in regular sessions.

ART. 158. The legislative Chambers may also be assembled in extraordinary sessions when they are convoked by the permanent committee, on its own initiative or on petition of the national Executive or of a fourth part of the members of the Congress. Only the matters stated in the call will be dealt with in said sessions, except that, in legislating on them, it may also be necessary to amend legislation that governs related matters. The Chambers may likewise act in extraordinary sessions on matters of emergency and on those included in Clauses 8 and 9 of Article 162 of this Constitution.

ART. 159. The Chambers will be installed with [the attendance of] at least two-thirds of their members, and, lacking that number, those present, constituted in preparatory committee, will adopt the measures that may be necessary to [compel] the attendance of the absentees.

After the inaugural session, the Chambers may meet with the attendance of an absolute majority of their respective members.

ART. 160. The Chambers will always function in the same city, will be installed and will close their sessions on the same day and at the same hour, and neither of them may suspend them [i.e., the sessions] before the term fixed, or change residence, without the consent of the other. In case of divergence, they will be assembled in Congress and what the latter decides will be effected.

Sessions will be public, but may be secret when the respective Chambers agree to it.

ART. 161. Powers common to both Chambers are:

1st. To adopt their by-laws and rules of debate and to resolve the punishment of those who infringe them.

2nd. To establish and regulate the police service on the site of their sessions.

3rd. To remove obstacles to the exercise of their functions.

4th. To order execution of their exclusive decisions.

5th. To certify their members and to hear their resignations.

6th. To appoint committees of investigation, which may demand from all national, state, or municipal authorities the information and the documents they may require for the fulfillment of their functions.

7th. To cause Ministers of departments to appear [before them] and to interpellate them on matters within their competence, and

8th. Others that the law indicates.

FIFTH SECTION

Concerning the Powers Common to Both Chambers as Colegislative Bodies

ART. 162. The legislative Chambers, as colegislative bodies, have the following powers:

1st. To approve or reject international treaties, conventions, or agreements that are subject to this requirement in conformity with Article 105 of this Constitution.

2nd. To decree a state of emergency, to approve measures necessary for national defense, and to authorize those that may be required to give compliance to the obligations of the Republic in the international community, in accordance with the pacts to which it may be a party.

3rd. To authorize or require the federal Executive to negotiate peace, and to approve or reject treaties that may be concluded on it.

4th. To decree all national taxes.

5th. To approve the general budget law of public revenues and expenditures, with the modifications that it considers according to law, and with attention to what is provided by Article 208 of this Constitution.

6th. To decide upon loans and to determine all that relates to the national debt.

7th. To enlarge the basis of population fixed by this Constitution for the election of Deputies, in conformity with the latest approved census.

8th. To authorize the federal Executive, under penalty of nullification, to alienate real property of the exclusive patrimony of the Nation, and to negotiate contracts of national interest, which shall not be valid or enter into force until after having been approved by the Chambers. Mineral contracts or patents and those for unoccupied lands, and others that may be necessary for the normal development of the public administration are excepted, save in the cases that the law determines.

9th. To authorize the President of the Republic temporarily to perform determined and specific extraordinary powers intended to protect the economic and financial life of the Nation, when it may be necessary or the public convenience may require it.

10th. To approve the national census in each case when the legal formalities

have been observed in its preparation, and, in a contrary case, to order its settlement, in whole or in part.

11th. To grant amnesties.

12th. To legislate on the functioning of the national authorities.

13th. To legislate on the creation, organization, and functioning of official, autonomous institutions or establishments.

14th. To enact laws of a general character on civil pensions, retirements or military gratuities, payments by the national treasury.

15th. To enact laws to promote institutions for social solidarity, and

16th. To legislate on all matters within the national competence that may require it.

SIXTH SECTION

Concerning the Chambers Assembled in Congress

ART. 163. The Chambers will function separately, but they will be assembled in Congress when this Constitution and the laws may determine it or when one of the Chambers agrees to it on the petition of the other. In this latter case, it is the function of the invited Chamber to indicate the day and hour of the assembly.

ART. 164. The president of the Chamber of Senators and that [of the Chamber] of Deputies must be Venezuelans by birth, and are, of right, president and vice-president, respectively, of the national Congress.

ART. 165. Powers of the Chambers assembled in Congress are:

1st. To elect the officials whose designation this Constitution and the laws assign to them.

2nd. To proclaim President of the United States of Venezuela the candidate elected in accordance with the scrutiny conducted by the competent agency, and to receive from him the oath of law.

3rd. To take cognizance of the resignation of the President of the Republic or of the one who takes his place.

4th. To take cognizance of the annual message of the President of the Republic.

5th. To examine and approve or disapprove the reports and accounts of the Ministers of departments, and of any other agency or official which, in accordance with this Constitution or the laws, must report directly to the Chambers on the business that belongs to them.

6th. To examine and approve or disapprove additional credits decreed, after the legal formalities, by the President of the Republic.

7th. To elevate to the category of a State a federal territory that so requests it, provided that it fulfills the conditions foreseen in Article 8 of this Constitution.

8th. To scrutinize the votes of the legislative assemblies in the cases foreseen in Article 252 of this Constitution.

9th. To authorize the President of the Republic to leave the national territory.

10th. To adopt the by-laws and rules of debate of the national Congress, and

11th. Others that this Constitution and the laws indicate for it.

SEVENTH SECTION

Concerning the Enactment of Laws

ART. 166. Laws may be initiated in either of the two Chambers by at least three of its respective members, or by the national Executive through the agency of the ministry to which the matter relates, without prejudice to what is provided in Ordinal 1st of Article 153 and in Ordinal 4th of Article 184 of this Constitution.

ART. 167. A bill being presented, it will be given a reading, and, if it be admitted, it will pass to the respective permanent committee for its study, consideration, and report, unless the Chamber decides to consider it immediately on first debate. In all cases, bills will receive three debates in each Chamber, with intervals [between them] of at least two days, and with observance of the rules that may be established for debates.

A bill that has been finally approved in one of the two Chambers will pass to the other in order that it may discuss it, and if the latter also approves it, it will be returned to the Chamber of origin with the amendments.

ART. 168. When the initiating Chamber accepts amendments approved by the other, the law will be sanctioned. In a contrary case, the Chambers will be assembled in Congress and will decide, by a majority of votes, with respect to the articles in which discrepancies existed and those which were related to the latter, it being possible to agree to a wording different from that adopted in one or the other Chamber.

ART. 169. Bills rejected in the sessions of one year may not be presented anew except in those of later years.

Sole Paragraph. Bills that are left pending in the regular sessions of the Chambers may continue being discussed in immediately [following] extraordinary sessions when they are declared urgent by the national Congress by means of a vote of two-thirds part of its members. Discussion of them may likewise be continued in the regular sessions of the following year by the Chamber where they were being discussed, if so agreed, by the majority indicated in this article.

ART. 170. The following formula will always precede the text of laws: "The Congress of the United States of Venezuela decrees."

ART. 171. Ministers of departments may take part, without the right to vote, in debate on laws.

Magistrates of the Supreme Court of Justice likewise have a voice in debates on laws of procedure and on those relative to the organization of the Judiciary.

ART. 172. Legislative acts, once sanctioned, will be engrossed in duplicate, in conformity [with the way] they were left worded in the debates, without it being possible to make modifications or alterations in the text.

Both copies will be signed by the president, vice-president, and secretaries of the Congress, and will carry the date of the final approval of the act.

One of said copies will be sent by the president of the Congress to the President of the Republic, to the end that he may promulgate the legislative act.

ART. 173. The President of the Republic will promulgate legislative acts within the ten days following their receipt; but in the same period he may recommend their reconsideration to the Congress and request that the sanction be raised or that they be modified, for reasons of a technical nature or of national expedience, which he will express in writing directed to the president of the latter.

When the President of the Republic asks that the sanction be raised from a legislative act, the Congress will decide regarding his request in a single debate and by a majority of votes; and in a case in which he recommends only alterations in the text of the former, the modifications proposed and the articles that may have a relationship to them will receive two debates in both Chambers, following the procedure established in the previous articles. In one or the other case, the President of the Republic will heed what results from the Congress and will promulgate the legislative act returned by the Chambers, within the five days following.

Without prejudice to the responsibility that the President of the Republic incurs by his neglect, the president of the Congress will order the promulgation of legislative acts when the former does not do it within the period indicated for this disposal.

ART. 174. When the ten days indicated in the previous article expire after the conclusion of the time of sessions of the Chambers, the President of the Republic may request the prorogation that is referred to in Article 157 in order to exercise the power that is conferred upon him by the first of the cited provisions.

ART. 175. Promulgation of legislative acts will be made by means of their publication, with the appropriate [formula of] execution, in the *Gaceta oficial de los Estados Unidos de Venezuela*.

In case of evident discrepancy between the original and the impression of the law, it will be sent back to be published, corrected, in the aforementioned official organ.

ART. 176. The law will enter into force on the date that it itself indicates, and, in the absence of such indication, from its publication in the *Gaceta oficial de los Estados Unidos de Venezuela*.

ART. 177. Laws may be repealed only by other laws, and may be amended wholly or partially.

. ART. 178. A partial reform of a law being initiated, the amendment of other articles may not be proposed and considered after the first debate, unless the Chamber where the reform is being considered decides to replace the bill by another fuller one, which will be regarded as a new [bill].

ART. 179. A partial reform being approved in both Chambers, the amended law will be printed *completely in a single text*, replacing the amended articles with those newly approved and correcting the numeration in case of addition or suppression of articles. The amending law will repeal the previous law in its entirety, will carry the date on which the reform was sanctioned, will be signed in accordance with Article 172 of this Constitution by the officials who authorized it, and will indicate the numbers of the amended articles.

ART. 180. The power of legislating, which belongs to the Congress, is not delegable.

ART. 181. No legislative provision will have retroactive effect except when it imposes a lesser penalty. Procedural laws will be applied from [the time] that they enter into force, even in cases that are already in process; but in this case, if the trial is penal, the evidence already given will be judged, with regard to what may benefit the defendant, in conformity with the law in force when it was advanced.

EIGHTH SECTION

Concerning the Permanent Committee of the National Congress

ART. 182. During the recess of the legislative Chambers, a permanent committee of the national Congress will function, which will be elected, each year, within the last fifteen days of the regular sessions of the Chambers.

Said committee will be composed of the president, the vice-president, and twenty-one members of the national Congress, who, with their corresponding substitutes, will be elected by the latter in the form and under the conditions that the law may establish, to the end of guaranteeing proportional representation of minorities.

The president and the vice-president of the national Congress will exercise the functions of president and vice-president of the permanent committee.

ART. 183. Members of the permanent committee will cease in their functions on the Chambers being assembled anew in regular sessions, but they may be re-elected.

ART. 184. Powers of the permanent committee of the national Congress are:

1st. To watch over the observance of the Constitution and respect for the guarantees of citizens, without invading the competence of the Judiciary, and to denounce irregularities that it observes to the President of the Republic, to the end that they may be corrected.

2nd. To inform the legislative Chambers of irregularities that it observes in the expenditure of items from the budget of public expenditures and in the process of general administration.

3rd. To revise bills that may be left pending in the sessions of the year and to inform the Chambers about those that, in its judgment, must be continued in debate in the immediately following sessions.

4th. To prepare bills and to introduce them in either of the Chambers at an appropriate time, without prejudice to what is provided in Article 166 of this Constitution.

5th. To take cognizance of cases that may affect the immunity of members of the Congress and to give an account of their decisions to the respective Chamber within the first ten days of the sessions immediately [following].

6th. To convoke the Congress in extraordinary session when the gravity of any matter may require it, in conformity with what is provided in Article 158 of this Constitution.

7th. To collaborate with the national Executive in the preparation of the general budget bill of public revenues and expenditures, and to inform the Chambers regarding it upon the beginning of their debate.

8th. To authorize the national Executive to create and endow new public services, and to decree additional credits to the budget of public expenditures.

9th. To authorize the President of the Republic to leave the national territory temporarily, accompanied by other members of the executive branch whom he himself designates.

10th. To give its opinion when this Constitution or the laws may require it, or on petition of the national Executive, on matters within its competence.

11th. To adopt its by-laws and rules of debate, and

12th. Others that this Constitution and the laws may assign to it.

ART. 185. The permanent committee will be installed with [the attendance of] at least two-thirds of its members, within the twenty days following the termination of the regular sessions of the Chambers; it may function with an absolute majority of them, and take its decisions by a majority of those present, except in the cases in which this Constitution or the by-laws of the committee itself may establish a special majority.

The committee will have at its service the subordinate personnel that it may require in order to comply with its functions.

ART. 186. Members of the permanent committee will give a detailed, annual account of its action to the national Congress at the time that the latter itself indicates.

CHAPTER IV

Concerning the National Executive Power

FIRST SECTION

Concerning the National Government and Administration

ART. 187. Everything relative to the national Government and administration, not assigned by this Constitution to another authority, is within the competence of the national executive power, which will be exercised by the President of the Republic in conjunction with the Ministers of departments.

ART. 188. The national executive authorities will exercise their functions in the capital of the Republic, not being able to do it in any other place except in the cases foreseen in Ordinals 18th, letter b [i.e., paragraph II], and 31st of Article 198 of this Constitution.

ART. 189. The national executive authorities will exercise the administration entrusted to them by means of their legal agencies and their subordinate employees.

SECOND SECTION

Concerning the President of the Republic

ART. 190. The President of the Republic is the representative of the Nation and the chief of the national executive power.

ART. 191. Any Venezuelan by birth who, in addition to the qualifications indicated in Article 82 of this Constitution, is of secular status and more than thirty years of age, may be elected President of the Republic.

ART. 192. The President of the Republic will be elected by universal, direct and secret ballot, at least three months prior to April 19th of the year in which each constitutional term begins, and on the date that the national Congress determines in its regular sessions of the immediately preceding year.

The citizen who has obtained a relative majority of the votes will be proclaimed elected.

ART. 193. The President of the Republic may not be re-elected for the constitutional term immediately following. Nor may anyone who has discharged the presidency for the whole of the last year of the previous constitutional term, nor the relatives of the one or the other, up to the fourth degree of consanguinity or the second of affinity, be [elected] for the same term.

ART. 194. The retiring President will, on April 19th of the year in which the new constitutional term begins, resign his powers to the President-elect, immediately after the latter has taken the oath of law before the national Congress.

If the President-elect is not able, for any reason, to take the oath before the national Congress, he will take it before the Supreme Court of Justice.

When the President-elect is not able to take possession of the office on the date indicated in this article, the retiring President will resign his powers to the president of the Supreme Court of Justice, who will exercise them, with the character of representative of the national executive power, until the first can enter into the exercise of his functions.

ART. 195. The president of the national Congress will provisionally fill a permanent absence of the President of the Republic, and, in default of the former, the vice-president of the same [will fill it].

When, for any reason, neither of said officials can take possession of the office, the president of the Supreme Court of Justice will do it. In these cases the provisional representative of the executive power will immediately request the convocation of the Congress in extraordinary session in order that it may, within the thirty days following the convocation, provide for the election of a new President of the Republic, in conformity with what is established in Article 192 of this Constitution, if the vacancy arises during the first half of the constitutional term, or that it may elect the one who is to fill the presidential vacancy, if the vacancy occurs during the second half of the aforementioned constitutional term.

When the call for elections is issued, the Congress will elect the citizen who is to become the representative of the executive power until the new President of the Republic takes possession of the office.

ART. 196. Temporary absences of the President of the Republic will be filled by the Minister whom he himself designates. The latter will, if the absence is prolonged for more than ninety days, request of the permanent committee the immediate convocation of the Congress in extraordinary session. The national Congress being assembled, it will decide if the provisional status is to continue, and will elect a representative of the presidency, or, if it is the case, will elect a new President in conformity with what is provided in the preceding article.

ART. 197. The President, or the one who acts in his place, may not be absent from the national territory without authorization from the Congress or from the permanent committee of the same, until after six months after having ceased in his functions.

THIRD SECTION

Concerning the Powers and Duties of the President of the Republic

ART. 198. Powers and duties of the President of the Republic are:

- 1st. To comply with and cause compliance with this Constitution and the laws of the Republic.
- 2nd. To represent the Nation in its relations with other Nations, to ap-

point the diplomatic and consular agents of the Republic, and to receive the diplomatic representatives of other States.

3rd. To direct, by means of the appropriate Minister, the foreign relations of the Republic and diplomatic negotiations, and to negotiate treaties, conventions, or agreements with other Nations by means of the plenipotentiaries whom he designates and in Council of Ministers.

4th. To adhere, with the approval of the permanent committee of the Congress and of the Council of Ministers, to multilateral treaties that may concern the Republic, and to sign, in the name of the Republic, by means of the plenipotentiaries whom he designates, those in the discussion of which he has participated.

5th. To submit treaties, conventions, or international agreements that may so require it to the approval of the legislative Chambers, to ratify them, exchange or deposit them, and place them in execution when he may.

6th. To negotiate, through the agency of the respective Minister, with approval of the Council of Ministers, loans that the Congress may decree, in complete conformity with their provisions.

7th. To adopt the measures necessary for the defense of the Republic, the integrity of its territory and its sovereignty, in case of international emergency, and to execute the obligations that may result from the pacts to which it may be a party for common security and defense, when it may be required to do so. In these cases, he will urgently request the convocation of the Congress in extraordinary session, if it should not be assembled, and will give it an account of all that has been done and will propose the measures that he judges necessary.

8th. To prohibit the entrance of aliens into the national territory or to expel them, in the cases foreseen by this Constitution or the laws of the Republic or permitted by international law.

9th. To promulgate the Constitution and the laws. The occasion on which a law approving an international treaty or convention must be promulgated remains at the discretion of the national Executive, in conformity with international usage and the convenience of the Republic.

10th. To issue regulations, in Council of Ministers, for making effective the laws, without altering their spirit, design, and reasoning, and to amend or reform, wholly or partially, the regulations issued for the same. The new regulation must, in every case, be published completely with the respective repeal of the previous one.

11th. To request of the permanent committee, with the approval of the Council of Ministers, the convocation of the national Congress in extraordinary session, when the gravity of any matter may require it.

12th. To decree, in Council of Ministers, the creation and endowment of new public services that may be necessary during the recess of the leg-

islative Chambers, or the modification or suppression of existing ones, after authorization from the permanent committee of the Congress.

13th. To decree, in Council of Ministers and after authorization from the national Congress or from the permanent committee of the same, additional credits to the budget of public expenditures when it may be necessary because of the sums fixed in the respective chapter in the general budget law of public revenues and expenditures resulting insufficiently or because of not having foreseen the expenditure, and provided that there are funds in the national treasury with which to cover the additional credit without prejudice to regular expenditures, which shall be given preference over the extraordinary [expenditures]. The Minister of Finance will send with the request for the authorization a specification of how said credit is to be expended.

14th. To negotiate, through the agency of the respective Minister or Ministers and with the approval of the Council of Ministers, contracts of national interest permitted by this Constitution and the laws, and to submit them to the consideration of the national Congress, or of the permanent committee of the same in urgent cases during the recess of the legislative Chambers, except for what is established in Clause 8 of Article 162 of this Constitution. He will give an account of such contracts, in every case, to the national Congress in its next regular sessions.

15th. To fix the number of the armed forces of the Republic and to exercise supreme hierarchical authority over them, in conformity with Article 102 of this Constitution.

16th. To direct military operations in case of international emergency, or to designate who must represent the Republic in command of the combined forces when they co-operate with other Nations.

17th. To offer his good offices to bring an end to an armed conflict between two or more States of the Republic, or to make use of the public force when his pacific intervention results ineffectively.

18th. To decree restriction or suspension of guarantees in the cases foreseen by Article 76 of this Constitution and in case of disturbance of the internal peace of the Republic or armed international conflict, and, in addition, while they continue, he may:

I. Ask from and grant to the States the aid necessary for the national defense and [defense] of the institutions.

II. Indicate the place to which all or any of the authorities of the Republic will be transferred, when grave reason for it may exist.

III. Provide for the trial of Venezuelans and aliens who, in case of international emergency, may be hostile to the interests of Venezuela.

IV. Reorganize States which may be dominated by rebellious forces or the governments of which may participate in rebellion.

V. Order that national merchant vessels, in case of necessity, be armed for their defense.

VI. Incorporate in the national navy national merchant vessels or foreign ones that are found in the ports of the Republic and which may be necessary for defense, and to provide them with the required military personnel, distinctive markings, and equipment. In these cases, the manner of indemnifying damages that the owners may suffer will be decided.

VII. Authorize other measures of a military character permitted by international law.

19th. To appoint and remove Ministers of departments.

20th. To administer federal territories and dependencies, in conformity with their organic laws.

21st. To exercise superior civil and political authority in the federal district, by means of a governor, according to law.

22nd. To appoint and remove the governor of the federal district, and through the agency of the Minister to whom [the function] belongs, in conformity with the statutes of the administrative career, other national employees whose designation is not assigned to another official.

23rd. To administer, through the agency of the respective Minister, the public revenues of the Nation, in conformity with this Constitution and the laws.

24th. To cause to be issued by the respective Minister patents of free grant, sale, or lease of unoccupied lands and patents for mineral concessions, in conformity with the laws.

25th. To cause to be issued by the Minister of the department certificates of navigation for national vessels, according to what the law determines.

26th. To cause to be issued, by the respective Minister, letters of naturalization, in conformity with the law.

27th. To decree, in Council of Ministers, the measures necessary in order to take the census of the Republic on the occasion that the law or its regulations indicate, and to submit it immediately for the approval of the Congress.

28th. To provide, through the agency of a competent Minister and with the approval of the Council of Ministers, that the national Public Ministry advance accusations against employees who may give reason for it.

29th. To grant pardons.

30th. To exercise, in the terms that the Congress fixes, the extraordinary powers to which Ordinal 9th of Article 162 of this Constitution refers.

31st. To declare an official visitation, with all or any of the Ministers of departments, to the State or States of the Republic or the federal territory that the declaration specifies. During the official visitation the seat of the national executive authority will be the place in which the President is located. In the same decree in which the visitation is ordered, everything rela-

tive to the dispatch of current administrative affairs in Caracas will be regulated.

32nd. To designate the Minister of a department who will supplant him in case of temporary absence.

33rd. Others that this Constitution and the laws may specify.

ART. 199. The President of the Republic will present to the national Congress, every year, within the first ten days of its regular sessions, personally or by means of one of the Ministers, a succinct message which contains the general lines of the politico-administrative steps that have been accomplished during the year, and which indicates, in the same survey of administration and policy, the plans of his Government.

In the last year of the presidential term, the message will be presented on the day of the installation of the legislative Chambers.

ART. 200. The President of the Republic is jointly responsible with the Ministers of departments for the acts of his administration, in addition to the personal responsibility that belongs to him for treason to the Fatherland and for common offenses.

FOURTH SECTION

Concerning the Ministers of Departments

ART. 201. The President of the Republic will exercise his powers by means of the Ministers indicated by law, which will determine the functions and duties of the latter and will organize their departments.

ART. 202. To be a Minister of a department it is necessary to be a Venezuelan by birth, more than thirty years of age, of secular status, and in possession of his civil and political rights.

ART. 203. The Ministers are the legal agents of the President of the Republic, and as such will sign his acts, according to their respective jurisdictions, and will execute the decisions of the latter within the limits of their power.

Sole Paragraph. A written order by the President of the Republic does not excuse the personal responsibility that Ministers may incur by exceeding their powers.

ART. 204. In addition to the powers that belong to them as agents of the President of the Republic, the Ministers have those that derive from their status as members of the Council of Ministers, within which they collaborate with the former in the functions of national Government and administration. The law will determine the standards relative to the organization and functioning of the Council of Ministers.

ART. 205. The Council of Ministers will be assembled when this Constitution or the laws may require it or when the President of the Republic convokes it in order to take cognizance of any matter which, in the judgment of that official, must be submitted to its consideration.

ART. 206. The President of the Republic and the Ministers who do not make evident the fact of their adverse or negative vote, in the form that the law on the matter establishes, will be responsible for decisions made in Council of Ministers.

ART. 207. Each Minister will give an annual account to the Congress, within the first ten days of its sessions, in an itemized and documented report, of the actions of his department and of what he considers suitable to be done in his respective branch. He will also present an account of the funds that he has managed.

In the last year of the constitutional term, the Ministers will present the reports and accounts on the day fixed for the installation of the legislative Chambers, and if they have not yet been installed they will present them to the permanent committee of the Congress in order that the latter may refer them to the [legislative] body on assembling.

ART. 208. The Minister of Finance, within the first five days after the installation of the legislative Chambers, will present to that of Deputies, with his appropriate supporting documents and the specifications of global items, which may not be those the publication of which would injure the security of the State and the national interest, the general budget bill of public revenues and expenditures, which will be elaborated in consultation with the Ministers of the departments and with the co-operation of the permanent committee of the Congress.

The Chambers are free to modify said bill, but may not grant increases in the items of the latter except by means of a vote of two-thirds of their members.

Together with the bill, the federal Executive will likewise present, through the agency of the Minister of Finance, an administrative plan conformably to which the anticipated expenditures will be made.

ART. 209. Ministers have the right of speaking in the Chambers and in the permanent committee of the Congress, and will be obliged to attend them when they may be called to present information or to answer interpellations that may be made of them.

ART. 210. Ministers are penally and civilly responsible for the illegal acts they may commit.

CHAPTER V

Concerning the Judicial Power

FIRST SECTION

General Provisions

ART. 211. The judicial power of the Republic is independent of the other public authorities, and is constituted by the Supreme Court of Justice and the other tribunals that the law may establish.

ART. 212. The law will determine the organization, jurisdiction, and powers of the tribunals that may be necessary for the administration of justice, as well as the form of designating their members and everything that promotes the establishment of the judicial career, in so far as it is not provided by this Constitution.

ART. 213. The law may establish a supreme council on the magistracy, with representatives of the legislative, executive, and judicial branches, for the purpose of assuring the independence, efficiency, and discipline of the Judiciary and the effectiveness of the benefits for the latter in the administrative career. It will determine, likewise, the number and the form of election of said representatives and the powers that, within the limits of the ends pursued, the aforementioned agency may require.

ART. 214. The authorities of the Republic have the duty of lending judicial officials the aid that the latter may require to the end that judicial decisions are complied with.

ART. 215. Officials of the Judiciary are responsible conformably to the law.

ART. 216. Judges may not be removed during the respective constitutional term, except by means of a final judicial decision and in the cases indicated by the law.

ART. 217. Judicial office precludes the practice of the law, and is incompatible with any other remunerated public office except those of academic or teaching [character], of members of technical commissions or [commissions] for the editing of laws or similar instruments, of members of international tribunals, and of representatives of the Nation in international conventions or assemblies of a technical character.

SECOND SECTION

Concerning the Supreme Court of Justice

ART. 218. The Supreme Court of Justice will be composed of ten Magistrates, attorneys of the Republic, who possess the same qualifications required in order to be President of the Republic.

Sole Paragraph. The national Congress may, by special law on the proposal of the Supreme Court of Justice, increase the number of Magistrates.

ART. 219. The national Congress, within the first fifteen days of regular sessions of the year in which each constitutional term begins, will elect, separately and by an absolute majority of votes, the Magistrates of the Supreme Court of Justice. In the same session and in the same form it will elect ten substitutes who, in the order of their election, will fill the permanent vacancies of the incumbents.

The Court itself will provide, in accordance with the law for temporary vacancies and those that derive from special circumstances in any matter.

When permanent absences of one or more substitutes may occur, the Congress will elect those who may be necessary and they will occupy the vacant positions.

ART. 220. The Supreme Court of Justice will be divided into autonomous chambers, which will have full jurisdiction in matters of their respective competence and will function with the number of Magistrates that the law determines.

The Supreme Court of Justice will have the following powers:

1st. To take cognizance of accusations against the President of the Republic or the one who replaces him, Ministers of departments, the Solicitor General of the Nation, the Attorney General of the Nation, the Comptroller General of the Nation, governors, against its own members, and other high officials whom the laws may indicate, in cases in which said officials may incur penal responsibility.

2nd. To take cognizance of penal cases that are brought against diplomatic agents for acts performed in the public service. Responsibility for other acts will be made effective before the tribunals and by means of ordinary judicial procedure.

3rd. To take cognizance of appeals of cassation and others the decision of which the law assigns to it.

On declaring that there is ground for an appeal of cassation for violation of the law, the Court will decide regarding the basis of the judgment appealed.

4th. To take cognizance of appeals in cases of imprisonment.

5th. To adjust controversies of any nature that may arise, reciprocally, among the national authorities, those of the States, and of the municipalities, or among their legal agencies, in cases in which such power is not assigned by the law to another authority.

6th. To adjust conflicts of competence that may arise between two or more tribunals of the Republic, provided that the law does not indicate another authority.

7th. To declare the nullification of national laws, those of the States, or ordinances of the municipalities, when they may conflict with the Constitution of the Republic. The nullification will be limited to the paragraph, article, or articles in which the conflict appears, unless the latter are of such importance, because of their connection with others, that, in the judgment of the Court, their nullification causes that of the whole law.

8th. To declare which is the law that must prevail when national [laws] are in conflict among themselves, or these with those of the States, and to declare, likewise, which are the article or articles of a law that must govern when conflict may exist among their provisions. .

9th. To declare the nullification of acts of the legislative Chambers, the legislative assemblies, the municipal councils, the federal or state executive

authorities, and governors of the federal district or of the federal territories, when they violate this Constitution. Similarly, the Court will declare the nullification of acts to which Articles 84 and 87 of this Constitution refer, when that [function] is not assigned by the law to another authority.

An action for nullification of an administrative act for illegality or abuse of power lapses after thirteen months, provided that said act has not violated any constitutional provision. The illegality of the same act as an exception [i.e., those violating constitutional provisions] may always be resisted.

If the act accused for nullification should be a ministerial decision, the Court may not decide except by means of the procedure established in the following ordinal.

10th. To take cognizance, in procedure of administrative litigation, of all questions that may arise between the Nation and private parties in consequence or on occasion of contracts negotiated by the national Executive for mineral concessions or unoccupied lands, except for those points which, regarding the granting of a concession or the cancellation of a grant, are, by the law in force at the time of the negotiation of the contract, subject to the decision of the national Executive without judicial appeal.

11th. To declare the executory force of foreign judgments, when it may be according to law.

12th. To take cognizance, in procedure of administrative litigation, of actions that may be brought against the Nation for damages and injuries and of other actions that may be brought against it for sums of money.

13th. Others that this Constitution and the laws indicate for it in matters within the national competence.

ART. 221. In the cases foreseen in the first ordinal of the preceding article, the Court will declare summarily whether or not there is ground for accusation in view of the evidence exhibited or of that which is officially produced. If it declare the first, the official will remain in fact suspended from the exercise of his office while the trial continues; if the second, all proceedings will cease. When the offense is common the case will pass to a competent ordinary tribunal, and when it is of a political nature it will continue under jurisdiction of the Court until final judgment.

ART. 222. The Supreme Court of Justice will present each year to the national Congress a report containing [an account of] its work and will indicate the reforms that, in its judgment, it is desirable to introduce in legislation.

CHAPTER VI

Concerning the Public Ministry

ART. 223. The Public Ministry is under the charge of the Solicitor General of the Nation and the subordinate agents that the law determines.

ART. 224. The Solicitor General of the Nation must be a Venezuelan by birth, of secular status, more than thirty years of age, an attorney of the Republic, and in possession of his civil and political rights.

The Solicitor General of the Nation will be elected by the national Congress in the first thirty days of sessions of the year in which the respective constitutional term begins, and he will continue in his functions for all of the term. To replace him in his temporary or permanent absences, the Congress, in the same act in which it carries out his designation, will also elect five numbered substitutes who have the same qualifications required for the incumbent, and they will be called, in the order of their election, by the national Executive to occupy the vacant office.

ART. 225. It is the function of the Public Ministry to see to it that, in the tribunals of the Republic, laws in penal cases are applied justly, and in all those in which the national treasury, public order, or good customs are concerned, and, in general [to watch out for] the good progress of the administration of justice.

ART. 226. Powers of the Solicitor General of the Nation are:

1st. To advance, personally or by the agency of subordinate officials, in his official capacity or at the instance of the national Executive, accusations against national employees who may give reason to be tried.

2nd. To practice the Public Ministry before the Supreme Court of Justice in the cases to which Clauses 1 and 2 of Article 220 of this Constitution refer.

3rd. Others that this Constitution and the laws indicate.

ART. 227. The Solicitor General of the Nation and the one who replaces him are responsible conformably to the law.

CHAPTER VII

Concerning the Attorney General of the Nation

ART. 228. The Attorney General of the Nation must be Venezuelan by birth, of secular status, more than thirty years of age, an attorney of the Republic, and in possession of his civil and political rights.

The Attorney General of the Nation will be elected by the national Congress in the first thirty days of sessions of the year in which the respective constitution term begins, and will continue in his functions for all of the term. To replace him in his temporary or permanent absences, the Congress, in the same act in which it carries out his designation, will also elect five numbered substitutes who have the same qualifications required for the incumbent, and they will be called, in the order of their election, by the national Executive to occupy the vacant office.

ART. 229. Powers of the Attorney General of the Nation are:

1st. To represent and maintain, personally or by the agency of subordi-

nate officials, the rights of the Nation in all cases in which it may be a party, in accordance with the laws and with the instructions that the national Executive may communicate to him.

2nd. To give the juridical information that the President of the Republic, Ministers of departments, the legislative Chambers, and the Supreme Court of Justice may request of him.

3rd. Others that this Constitution and the laws indicate.

ART. 230. The Attorney General of the Nation and the one who replaces him are responsible in the same terms as Ministers of departments.

CHAPTER VIII

Concerning the National Public Treasury

FIRST SECTION

General Provisions

ART. 231. The national treasury includes the properties, revenues, and debts that form the assets and liabilities of the Nation, and all other properties and revenues the administration of which belongs to the national authority.

The supreme direction and administration of the national treasury belong to the national executive branch, which will exercise them by means of its legal agents in accordance with this Constitution and the laws.

ART. 232. The national financial system will be organized and will function on bases of justice and tax-paying equality for the purpose of procuring a progressive distribution of taxes and imposts, proportional to the economic capacity of the tax-payer, the elevation of the standard of living and of the acquisitive power of consumers, and the protection and increase of national production.

Exemptions will be granted only in the cases in which the law permits it.

ART. 233. No tax or impost may be collected that is not authorized by law, nor may the national treasury make any expenditure for which an item in the general budget law of public revenues and expenditures is not allocated, unless, previously to the expenditure, an additional credit is assigned by means of executive decree. Those who may infringe this provision will be civilly responsible for the items the payment of which they have effected or ordered.

ART. 234. No tax payable in personal service may be established, nor may the natural products of agriculture or stockraising be taxed before being offered for consumption.

ART. 235. No tax may be collected on the navigation of rivers and other navigable waters that have not required special works.

ART. 236. No tax or impost may enter into force or undergo an increase

or reduction until after the expiration of a term that must be fixed in each case.

This provision does not limit the extraordinary powers that are accorded to the Executive in the cases established by this Constitution.

ART. 237. The Congress may not, outside of the expenditures that the budget law includes, order any other by special laws or by resolutions.

ART. 238. There will be included annually in the general budget of public revenues and expenditures an item equivalent to at least twenty-five per cent of the total of moneys received from revenues, taking as a basis for each fiscal year the total of said moneys received in the civil year immediately preceding; said item will be distributed among the States, the federal district, and the federal territories in the following form: thirty per cent of said percentage, by equal parts, and the seventy per cent remaining, in proportion to the population of each one of the aforementioned entities. At least twenty per cent of the part that belongs to each State from the constitutional allowance will be allocated for distribution among the municipal districts in the same form established in this article for the distribution of the allowance among the federal entities.

The law will determine what is necessary for the co-ordination of the budgets of the States, the federal district, and the federal territories with the budget of the Nation in subjects that, by their nature, must follow a uniform plan; and, at the same time, will determine how the national Government will orient and control the expenditure of the allowance by the regional governments and municipalities, leaving unimpaired what is provided in Article 247 of this Constitution.

ART. 239. It may be provided by special laws that specified official scientific, charitable, financial, or industrial institutions may enjoy juridical personality and their own endowment, distinct and independent of the national treasury.

The aforementioned institutions may, in the recess of the legislative Chambers, be created by means of organic decrees, after authorization by the permanent committee of the national Congress.

Said institutions will annually submit their respective budgets and a report of their management in the immediately preceding year to the national Congress or to the authority designated in the act of their creation.

ART. 240. The national Executive may not contract any loan except by virtue of express authorization that the national Congress may agree to in order to care for urgent needs or for works of public utility.

SECOND SECTION

Concerning the Comptroller Generalship of the Nation

ART. 241. Supervision of all revenues and expenditures of the national treasury, as well as the centralization, examination, and control of all accounts and fiscal operations of national property, including money, bonds, materials, and effects acquired or administered by national offices or by autonomous institutions, will belong under the charge of an autonomous agency denominated the office of the Comptroller General of the Nation, without prejudice to the supervision that the Executive may exercise directly through agencies subordinate to him.

ART. 242. It is the function of the office of the Comptroller General of the Nation, in addition to the powers that the law assigns to it, to denounce, before the proper authority, irregularities that it observes in the management of public funds. The Comptroller may, for this purpose, personally or through the agency of his employees, undertake any kind of investigation in the departments and offices subject to his supervision, the officials or employees in charge of them being obliged to provide him, on his demand, with the necessary data or information.

ART. 243. The office of the Comptroller will be under the charge of an official who will be denominated Comptroller General of the Nation, and it will be organized and will function in accordance with the law.

ART. 244. The national Congress will, in the year in which each constitutional term begins and within thirty days following its installation, elect the Comptroller General of the Nation and a deputy Comptroller, who will serve as assistant and will replace him in his permanent or temporary absences. The Congress will, in the same act, elect three substitutes who will fill absences of the deputy Comptroller, in conformity with the law.

ART. 245. The Comptroller and the deputy Comptroller must possess the same qualifications as the President of the Republic; they will continue in their functions for the whole constitutional term and will be penally and civilly responsible for the illegal acts they may commit.

ART. 246. In the examination and approval or disapproval of ministerial accounts and [those] of autonomous institutions, the office of the Comptroller General of the Nation will be auxiliary to the national Congress; and it will present annually to the latter a detailed report of the management corresponding to the year of the account and the other [reports] that may be expressly required of it.

ART. 247. The supervision and control that belong to the office of the Comptroller General of the Nation may be extended to State or municipal administrations, by virtue of a special law.

TITLE VIII

Concerning Constitutional Amendment

ART. 248. This Constitution may be amended, wholly or partially, on the initiative of the legislative assemblies or of the national Congress in either of its Chambers.

ART. 249. When the initiative comes from the legislative assemblies, the national Congress will declare it according to law if two-thirds of the former, assembled in regular sessions, have considered an amendment necessary or appropriate, by means of resolutions approved in each assembly by an absolute majority of the whole of its members. The initiative being declared according to law, the Chambers will discuss the amendment by the system established in this Constitution for the discussion of ordinary laws. Amendments or additions being approved, the president of the Congress will submit them to the legislative assemblies for their ratification, which will be given by the same procedure provided for the initiative.

ART. 250. When the initiative comes from either of the Chambers of the Congress, it must be proposed by a fourth part of the whole of its members, following the system established in this Constitution for the discussion of ordinary laws. Amendments or additions being approved, the president of the Congress will submit them to the legislative assemblies in their regular sessions of the following year for their ratification, which will be considered valid when it is approved by two-thirds of them, in their regular sessions and by means of the vote of an absolute majority of the whole of the members of each assembly.

ART. 251. Amendments or additions may not be made except on the points on which the previously indicated majority of legislative assemblies agree.

ART. 252. In any case, the definitive vote of the legislative assemblies will be returned to the Congress for its final scrutiny, which being made, if it results that the amendments or reforms have been legally ratified by the legislative assemblies, the Constitution thus amended or reformed will enter into force on the same day of its publication in the *Gaceta oficial de los Estados Unidos de Venezuela*.

TRANSITORY PROVISIONS

First. The mandate of the National Assembly as a constituent authority will continue in force until it is declared in recess.

When the Assembly decides to declare itself in recess, it will designate a permanent committee from its membership, composed of the president, the two vice-presidents, and twenty-two other members, elected by secret ballot, from lists that the different political groups present, in a form that

permits the proportional representation of the latter on said committee. A number of substitutes equal to the incumbents will be designated in the same manner.

As far as may be applicable, the permanent committee will have the same powers as the permanent committee of the national Congress, and will cease in its functions on the installation of the legislative Chambers that are elected conformably to this Constitution.

While said Chambers have not been instituted, the Assembly may be convoked anew, with the powers of a legislative branch, when it is summoned for that purpose by the agency and within the limitations referred to by Article 158 of this Constitution.

Second. The President of the Republic, members of the national Congress, and those of the legislative assemblies will be elected simultancously within the ninety days following the promulgation of the electoral statute which this Assembly sanctions, and on the date that the supreme electoral agency fixes.

The legislative Chambers will be installed, in extraordinary session, thirty days after the general proclamation of the candidates elected, in order to fulfill what is provided in Clause 2 of Article 165 of this Constitution and to consider the matters that may be submitted to it in accordance with what is provided in Article 159 of the same.

The legislative assemblies will be installed on January 1st, 1948, or on the earliest possible date [thereafter], in order to enact the constitutions and fundamental laws of the States, without prejudice to what is provided in Article 128 of this Constitution.

Third. Municipal councils will be elected prior to June 1st, 1948, the date on which they must be installed.

Sole Paragraph. Municipal councils of the federal district and of the federal territories will be elected and must be installed on the same occasions indicated for the legislative assemblies.

Fourth. Within the ten days following the installation of the legislative assemblies of the States and of the municipal councils of the federal district and the federal territories, the respective governors will present to them, for their examination and verdict, a detailed report of the actions of the government and an itemized account of the administration, corresponding to the term included between October 18th, 1945, and December 15th, 1947.

Fifth. To form the legislative assemblies, the voters of each State will elect, for this time, twelve incumbent deputies and their substitutes, when its population does not exceed 100,000 inhabitants; and when the population is greater, they will elect one more deputy for each excess of 25,000 inhabitants or fraction that is greater than 10,000.

If, on the date for the election of municipal councillors, the respective

organic laws have not yet been promulgated, there will be elected, in each district of the States of the Republic, conformably to the Third Transitory Provision, five incumbent councilors and the respective substitutes, when its population does not exceed 30,000 inhabitants; and when its population is greater, they will elect one more councilor for each excess of 15,000 inhabitants or fraction that is greater than 10,000. This provision, as far as it may be applicable, will be extended to the municipal authorities of the federal territories.

Sole Paragraph. Until the law organizes the municipal authority in the federal district, the municipal council will be composed of twenty-two councilors and their substitutes, elected conformably to the electoral law.

Sixth. The legislative assemblies and municipal councils to which the previous provision refers will continue in their functions until June 1st, 1950.

Seventh. A national plebiscite that will be held within the first two years, counted from the date of the promulgation of this Constitution, and on the occasion that the national Congress fixes, will decide if the governors of the States will be of the free choice and removal of the President of the Republic, in Council of Ministers, or if they must be elected by universal, direct, and secret vote.

The formula approved by this plebiscite will be considered incorporated under title in this Constitution.

Until the plebiscite is held, the governors will be of the free choice and removal of the President of the Republic, in Council of Ministers, without prejudice to what is provided in Clause 2 of Article 131 of this Constitution.

Eighth. The term of officials of national public agencies, elected conformably to this Constitution and the electoral statute for the term immediately following, will begin to be exercised from the moment at which they take the oath of law; but it will necessarily terminate on April 19th, 1952.

Ninth. The Assembly will decide by special decree on the organization of the executive branch which will act until the date on which the President of the Republic who is elected conformably to this Constitution takes possession of his office.

Tenth. The functions of the Solicitor General of the Nation will be exercised by the Attorney General of the Nation until the laws that organize their respective functions are promulgated.

Eleventh. Until the Congress, in regular session, fills the office of Attorney General of the Nation, conformably to the sole provision of Article 228 of this Constitution, a citizen whom the Assembly elects before the end of its sessions will occupy said office. The respective substitutes will be designated in the same act.

Twelfth. Before declaring itself in recess, the Assembly will elect, in

the form anticipated in Article 219 of this Constitution, the Supreme Court of Justice of the Republic that will act until the next Congress, in its regular session, proceeds to a definitive election for the remainder of the constitutional term.

Until the legislation referred to in Article 212 of the same is promulgated, the Judiciary of the Republic will continue to be governed by the laws that organize its functions; but the election of judges will be regulated by the following standards:

1st. The National Constituent Assembly, or, in its default, the permanent committee, will prepare the respective lists of candidates, in a number triple that of the officials to be elected, for members of the supreme courts and the superior courts or judicatures of the States and of the federal district, and for judges of first instance of these entities and of the federal territories. Within the five following days the federal Executive will designate, in Council of Ministers, the incumbents of the respective tribunals. The remaining candidates will serve as substitutes, in the order of their election.

Public defenders of prisoners, attorneys of the Public Ministry, and members of special tribunals will be elected in the same manner.

2nd. Within the five days following their installation, the supreme courts of the States and of the federal district and the judges of first instance of the federal territories will prepare the appropriate panels for judges of record of the district or department and of the municipality, parish, or department. Within the five days following their receipt, the regional executives will designate the respective judges from such lists; the other candidates will serve as substitutes, in the order of their election.

Attention will be paid, in the previous cases, to the present territorial jurisdictional organization.

Thirteenth. In the election of the provisional Comptroller General and the deputy Comptroller and the respective substitutes, a method similar to that followed in the Eleventh [Transitory] Provision for the filling of the office of provisional Attorney General will be followed.

Fourteenth. The standards of distribution of the constitutional allowance, established in Article 238 of this Constitution, will be considered in force from July 1st of the present year, conformably to the budget that this Assembly enacts.

Expenditures relative to the administration of justice and to the Public Ministry will, from the date mentioned, be under the charge of the federal authorities.

Fifteenth. Until the law establishes definitive jurisdiction, cognizance of the appeal of *habeas corpus* will be assigned to tribunals of first instance in penal [matters].

Within the twenty-four hours following receipt of the accusations, said

tribunals will require the officials under whose custody those detained are situated to [show] the reasons for the deprivation of liberty, and, following that act, in view of the results of the inquiry, will order:

1st. Submission to trial, if there is ground for it.

2nd. That an appropriate administrative decision be adopted, if the detention arises from reasons of this kind; or

3rd. The immediate liberty of the detained person, if he does not come within the previous categories, without prejudice to proceedings for which there may be ground if executive officials incur penal responsibility for abuse of their powers.

Sixteenth. The tax on stamped paper will continue to be collected by the States until the law on fiscal stamps is modified, conformably to this Constitution.

Seventeenth. Persons who at present have Venezuelan nationality conjointly with another must opt, within a term of five years, which they definitively prefer. Said term having passed without this requirement being complied with, notwithstanding the notification that will be given them in the terms that the law fixes, they will be understood as preferring Venezuelan nationality.

The term stipulated will begin to be counted, for minors, from the attainment of their majority according to Venezuelan law.

Eighteenth. Provisions of Articles 143 to 146 of this Constitution will be applicable to its members during the recess of the National Constituent Assembly; but they will not draw *per diem* fees, except for those composing the permanent committee.

Nineteenth. The existing juridical ordinance will be maintained in force until it may be modified or repealed by the competent agencies of the public authority or in so far as it is not expressly or implicitly repealed by this Constitution.

FINAL PROVISION

ART. 253. The Constitution adopted July 16th, 1936, amended April 23rd, 1945, and ordered by the Executive to be complied with and published in the *Gaceta oficial de los Estados Unidos de Venezuela* on July 20th, 1936, and May 5th, 1945, respectively, is repealed.

Given, signed, and sealed in the federal legislative palace, in Caracas, on July 5th of the year 1947—the 138th year of independence and the eighty-ninth of the federation.

Bibliography



The following bibliography on Latin American constitutions is narrowly selective. It is limited (a) to items in English; (b) to those books, chapters in books, and articles that deal wholly or importantly with the subject; (c) by omitting items that are merely translations of individual Latin American constitutions; and (d) by omitting references that deal primarily with governmental organization rather than with constitutions. The bibliography might be multiplied several times in length and considerably in usefulness if it had been practicable to include items in other languages, especially Spanish, Portuguese, and French. The literature in English on Latin American constitutions is unsystematic—more so, naturally, than that on the Canadian constitution—and one necessary consequence of that regrettable fact is that a bibliography of this sort must inevitably be fragmentary. It is believed, however, that few currently important references in English have been omitted.

GENERAL

- CRAMPTON, ETHEL M. "The Executive Office in the Latin American Constitutions," *Southwestern Political Science Quarterly*, I (March, 1921), 380-96.
- . "The Judicial Department in the Latin American Constitutions," *Southwestern Political Science Quarterly*, II (December, 1921), 239-44.
- . "The Legislative Departments in the Latin American Constitutions," *Southwestern Political Science Quarterly*, II (September, 1921), 161-81.
- DOYLE, HENRY GRATTAN. "New South American Constitutions," *Current History*, XL (June, 1934), 337-39.
- FITZGIBBON, RUSSELL H. "Constitutional Development in Latin America: A Synthesis," *American Political Science Review*, XXXIX (June, 1945), 511-22.
- . "Continuismo in Central America and the Caribbean," *Inter-American Quarterly*, II (July, 1940), 55-74.
- . "Executive Power in Central America," *Journal of Politics*, III (August, 1941), 297-307.
- . "Glossary of Latin American Constitutional Terms," *Hispanic American Historical Review*, XXVII (August, 1947), 574-90.
- FOSTER, JOHN WATSON. "The Latin American Constitutions and Revolutions," *National Geographic Magazine*, XII (May, 1901), 169-75.
- GARCÍA CALDERÓN, FRANCISCO. *Latin America: Its Rise and Progress*, Book I, chap. 3, sec. 2. London, 1913.
- HARING, CLARENCE H. "Federalism in Latin America," in CONYERS READ (ed.), *The Constitution Reconsidered*, pp. 341-47. New York, 1938.
- JAFFIN, GEORGE. "New World Constitutional Harmony: A Pan-Americanian Panorama," *Columbia Law Review*, XLII (April, 1942), 523-73.
- JAMES, HERMAN G. "Constitutional Tendencies—Latin America," *Bulletin of the Pan American Union*, LII (March, 1921), 244-54.
- . "Federalism in Latin America," *Bulletin of the Pan American Union*, LV (September, 1922), 229-40.
- JANE, CECIL. *Liberty and Despotism in Spanish America*, chap. vii. Oxford, 1929.

- MECHAM, J. LLOYD. "The Ministry of State in Latin America," *Southwestern Political and Social Science Quarterly*, VIII (September, 1927), 143-68.
- OLIVEIRA LIMA, MANOEL DE. "New Constitutional Tendencies in Hispanic America," *Hispanic American Historical Review*, V (February, 1922), 24-29.
- PENFIELD, WALTER S. "Central American Constitutions," *American Bar Association Report*, 1920, pp. 349-58.
- POBLETE TRONCOSO, MOISÉS. "The Social Content of Latin American Constitutions," *Social Forces*, XXI (October, 1942), 100-106.
- STINSON, JOSEPH WHITLA. "Our Treaties with Latin America and Its Modern Constitutions," *American Law Review*, LXII (November-December, 1928), 834-47.
- WILGUS, A. CURTIS (ed.). *The Caribbean Area*, Appendix A. Washington, 1934.
- WILLIAMS, MARY WILHELMINE. "Political Problems of Hispanic America: Their Origin and Nature," *South Atlantic Quarterly*, XXI (January, 1921), 60-67.
- ZAMORA, JUAN CLEMENTE. "New Tendencies in Latin American Constitutions," *Journal of Politics*, III (August, 1941), 276-96.

ARGENTINA

- AMADEO, SANTOS P. *Argentine Constitutional Law: The Judicial Function in the Maintenance of the Federal System and the Preservation of Individual Rights*, chaps. i-iii, x. New York, 1943.
- KIRKPATRICK, FREDERICK ALEXANDER. *A History of the Argentine Republic*, chap. xvi. Cambridge, England, 1931.
- MACDONALD, AUSTIN F. "The Government of Argentina," *Hispanic American Historical Review*, V (February, 1922), 52-82.
- . *Government of the Argentine Republic*, chaps. iv, vii-viii. New York, 1942.
- NAÓN, RÓMULO S. "Argentine Constitutional Ideas" (address to the American Bar Association, October 22, 1914), *Senate Document 618* (63d Cong., 2d sess.). Washington, D.C., 1914.
- . "Some Argentine Constitutional Ideas," *University of Virginia Alumni Bulletin*, April, 1917.
- ROWE, LEO STANTON. *The Federal System of the Argentine Republic*, chaps. i-vii, xii-xiii. Washington, D.C., 1921.
- WEDDELL, ALEXANDER W. "A Comparison of Executive and Judicial Powers under the Constitutions of Argentina and the United States," *Bulletin of the College of William and Mary*, Vol. XXXI, No. 5 (June, 1937).

BOLIVIA

- BELAUNDE, VÍCTOR ANDRÉS. *Bolívar and the Political Thought of the Spanish American Revolution*, chap. xxi. Baltimore, 1938.
- CLEVEN, N. ANDREW N. *The Political Organization of Bolivia*, chap. [iii]. Washington, D.C., 1940.
- NEWHALL, BEATRICE. "The New Constitution of Bolivia," *Bulletin of the Pan American Union*, LXXIII (February, 1939), 100-106.

BRAZIL

- CRAWFORD, HENRY PAINE. "The New Brazilian Constitution," *Commerce Reports*, November 27, 1937, No. 48, pp. 939, 946.
- D'ÊÇA, RAÚL. "The Brazilian Constitution of 1934," *Bulletin of the Pan American Union*, LXIX (August, 1935), 621-31.

- HAMBLOCH, ERNEST. *His Majesty, the President: A Study of Constitutional Brazil*, chap. ix. London, 1935.
- JAMES, HERMAN G. *Brazil after a Century of Independence*, chap. vi. New York, 1925.
- . *The Constitutional System of Brazil*, chaps. i-ii, vi. Washington, D.C., 1923.
- LOEWENSTEIN, KARL. *Brazil under Vargas*, Part II, chaps. i-iii. New York, 1942.
- MARTIN, PERCY ALVIN. "Federalism in Brazil," *Hispanic American Historical Review*, XVIII (May, 1938), 143-63.
- WALKER, HARVEY. "Federalism in Brazil," *State Government*, XVIII (March, 1945), 43-44, 52.
- WEIMAN, CARLOS F. "The Declaration of the Rights of Man in the Constitution of the United States of Brazil of 1891," *Dakota Law Review*, IV (April, 1932), 71-84.
- UNSIGNED. "The New Brazilian Constitution," *Brasilian Business*, XIV (July, 1934), 207-9.
- UNSIGNED. "New Constitution for Brazil," *Bulletin of the Pan American Union*, LXXXI (January, 1947), 22-28.
- UNSIGNED. "The New Constitution of Brazil," *Bulletin of the Pan American Union*, LXXII (March, 1938), 181-83.

CHILE

- BELAUNDE, VÍCTOR ANDRÉS. *Bolívar and the Political Thought of the Spanish American Revolution*, chap. xix. Baltimore, 1938.
- EDWARDS, AGUSTÍN. *The Dawn*, chaps. xx, xxii, xxv. London, 1931.
- REINSCH, PAUL S. "Parliamentary Government in Chile," *American Political Science Review*, III (November, 1909), 507-38.
- SHAW, PAUL VAN ORDEN. *The Early Constitutions of Chile, 1810-1833*. New York, 1930.

COLOMBIA

- BELAUNDE, VÍCTOR ANDRÉS. *Bolívar and the Political Thought of the Spanish American Revolution*, chap. xvii. Baltimore, 1938.
- CRAWFORD, HENRY PAINE. "The Constitution of Colombia," *University of Cincinnati Law Review*, XVI (November, 1942), 312-37.
- GIBSON, WILLIAM MARION. "International Law and Colombian Constitutionalism: A Note on Monism," *American Journal of International Law*, XXXVI (October, 1942), 614-20.
- UNSIGNED. "Latest Amendments to the Colombian Constitution," *Bulletin of the Pan American Union*, LXX (November, 1936), 895-98.

COSTA RICA

- UNSIGNED. "Proposed Social Guarantees in the Constitution of Costa Rica," *International Labour Review*, XLVI (November, 1942), 587-88.

CUBA

- CHAPMAN, CHARLES EDWARD. "The Cuban Constitution and Congress," *California Law Review*, XIV (November, 1925), 22-35.
- . *A History of the Cuban Republic*, chap. xxi. New York, 1927.
- HERRERA-ARANGO, RAOUL. "The New Cuban Constitution," *Federal Bar Association Journal*, IV (November, 1940), 127-28.
- IRELAND, GORDON. "Amendment vs. Revolution: Changing Cuba's Constitution," *American Bar Association Journal*, XIII (November, 1927), 617-21.

UNSIGNED. "Labor and Welfare Provisions of Cuban Constitution, 1940," *Monthly Labor Review*, LI (October, 1940), 878-82.

UNSIGNED. "Labour Provisions of the New Cuban Constitution," *International Labour Review*, XLII (December, 1940), 382-83.

UNSIGNED. "The New Constitution of Cuba," *Bulletin of the Pan American Union*, LXIX (October, 1935), 796-99.

UNSIGNED. "The New Constitutional Law of Cuba," *Bulletin of the Pan American Union*, LXVIII (May, 1934), 371-75.

DOMINICAN REPUBLIC

SCHOENRICHI, OTTO. *Santo Domingo, a Country with a Future*, chap. xviii. New York, 1918.

ECUADOR

UNSIGNED. "The New Constitution of Ecuador," *Bulletin of the Pan American Union*, LXXIX (October, 1945), 580-84.

UNSIGNED. "The New Constitution of Ecuador," *Bulletin of the Pan American Union*, LXXIX (December, 1945), 721-23.

EL SALVADOR

CRAWFORD, HENRY PAINE. "The 1939 Constitution of El Salvador," *Comparative Law Series*, II (May, 1939), 205-9.

UNSIGNED. "The New Constitution of El Salvador," *Bulletin of the Pan American Union*, LXXIII (June, 1939), 353-61.

GUATEMALA

JONES, CHESTER LLOYD. *Guatemala, Past and Present*, chap. viii. Minneapolis, 1940.

UNSIGNED. "Constitutional Reform in Guatemala," *Bulletin of the Pan American Union*, LXII (July, 1928), 656-60.

UNSIGNED. "Guatemala's New Constitution," *Bulletin of the Pan American Union*, LXXIX (June, 1945), 356-58.

UNSIGNED. "Social Provisions in the New Guatemalan Constitution," *International Labour Review*, LII (July, 1945), 57-58.

HAITI

UNSIGNED. "The New Constitution of Haiti," *Bulletin of the Pan American Union*, LXVII (February, 1933), 133-37.

UNSIGNED. "The New Constitution of Haiti," *Bulletin of the Pan American Union*, LXIX (October, 1935), 799-804.

HONDURAS

UNSIGNED. "The New Constitution of Honduras," *Bulletin of the Pan American Union*, LXX (July, 1936), 587-90.

MEXICO

BAGGETT, SAM G. "The Delegation of Legislative Power to the Executive under the Constitution of Mexico," *Southern California Law Review*, VIII (January, 1935), 114-21.

- BELAUNDE, VÍCTOR ANDRÉS. *Bolívar and the Political Thought of the Spanish American Revolution*, chap. xix. Baltimore, 1938.
- BULLINGTON, JOHN P. "Problems of International Law in the Mexican Constitution of 1917," *American Journal of International Law*, XXI (October, 1927), 685-705.
- CALCOTT, WILFRED HARDY. *Church and State in Mexico, 1822-1857*, chaps. v, xi-xii. Durham, N.C., 1926.
- CHAMBERLAIN, JOSEPH P. "Property Rights under the New Mexican Constitution," *Political Science Quarterly*, XXXII (September, 1917), 369-90.
- CLEVEN, N. ANDREW N. "Religious Aspects of the Mexican Constitution of 1917," *Open Court*, XXXV (August, 1921), 482-84.
- . "Some Social Aspects of the Mexican Constitution of 1917," *Hispanic American Historical Review*, IV (August, 1921), 474-85.
- DEALEY, JAMES Q. "The Spanish Sources of the Mexican Constitution of 1824," *Quarterly of the Texas State Historical Association*, III (January, 1900), 161-69.
- DEKELBAUM, Z. "The Constitution of the United States Compared with the Constitutions of Mexico, Germany and Russia," *Notre Dame Lawyer*, IV (December, 1928), 178-91.
- GAITHER, R. B. "Interpretation of the Confiscatory Phases of the Mexican Constitution of 1917," *American Law Review*, LVI (January, 1922), 39-55.
- . "The Mexican Constitution of 1917: Confiscatory Phases," *American Law Review*, LV (July, 1921), 481-502.
- GRIMES, WARREN W. "We Might Learn Something from Mexico's Constitution," *Journal of the Bar Association of the District of Columbia*, XI (March, 1944), 116-21.
- HARRIS, NORMAN DWIGHT. "Federal Control in Mexico," *Yale Law Journal*, XX (January, 1911), 202-9.
- JONES, CHESTER LLOYD. *Mexico and Its Reconstruction*, chaps. iii, xix. New York, 1921.
- MECHAM, J. LLOYD. "The *Jefe Político* in Mexico," *Southwestern Social Science Quarterly*, XIII (March, 1933), 333-52.
- . "Mexican Federalism, Fact or Fiction?" *Annals of the American Academy of Political and Social Science*, No. 208 (March, 1940), pp. 23-38.
- . "The Origins of Federalism in Mexico," *Hispanic American Historical Review*, XVIII (May, 1938), 164-82.
- MOSES, BERNARD. "Constitution of the United States of Mexico," *Annals of the American Academy of Political and Social Science*, II (July, 1891), 1-6.
- PRIESTLEY, HERBERT INGRAM. "Constitutional Interpretation in Mexico," *Southwestern Political and Social Science Quarterly*, IV (September, 1923), 138-62.
- TANNENBAUM, FRANK. *Peace by Revolution*, chaps. xiv, xx. New York, 1933.
- VERA-ESTENOL, JORGE. *Carranza and His Bolshevik Regime*. Los Angeles, 1920.
- UNSIGNED. "Constitutional Amendments in Mexico," *Bulletin of the Pan American Union*, LXXXI (March, 1947), 156-57.
- UNSIGNED. "The Mexican Constitution of 1917 Compared with the Constitution of 1857," *Annals of the American Academy of Political and Social Science*, No. 71 (May, 1917) (supplement).

PANAMA

- NELSON, EASTIN. "Economic Theory Implicit in the Panamanian Constitution of 1940," *Tulane Law Review*, XVI (June, 1942), 562-72.

PARAGUAY

- GROSS-BROWN, SIGFRIDO V. "First Principles and the Paraguayan Constitution," *Review of Politics*, VI (January, 1944), 94-102.



PERU

- BELAUNDE, VÍCTOR ANDRÉS. *Bolívar and the Political Thought of the Spanish American Revolution*, chap. xix. Baltimore, 1938.
- BEWES, WYNDHAM A. "The Constitution of Peru," *Journal of the Society of Comparative Legislation and International Law*, II, Part III (3d ser.; October, 1920), 266-69.
- STUART, GRAHAM HENRY. *The Governmental System of Peru*, chaps. i-ii. Washington, D.C., 1925.

URUGUAY

- BEWES, WYNDHAM A. "The Constitution of Uruguay," *Journal of the Society of Comparative Legislation and International Law*, II, Part I (3d ser.; January, 1920), 60-63.
- MIRKINE-GUEIZÉVITCH, BORIS. "New Constitution of Uruguay," *Political Quarterly*, VII (January, 1936), 121-24.
- SALGADO, JOSÉ. "Uruguay and Its Constitutions of 1830 and 1917," *Bulletin of the Pan American Union*, LXIV (July, 1930), 641-52.

VENEZUELA

- CRAWFORD, HENRY PAINE. "The Venezuelan Constitution of 1936," *Comparative Law Series*, September, 1936, No. 593, pp. 15-20.
- PIERSON, WILLIAM W. "Foreign Influence on Venezuelan Political Thought, 1830-1930," *Hispanic American Historical Review*, XV (February, 1934), 3-42.
- WILGUS, A. CURTIS (ed.). *The Caribbean Area*, chap. xxiii. Washington, D.C., 1934.
- UNSIGNED. "The New Constitution of Venezuela," *Bulletin of the Pan American Union*, LXX (November, 1936), 888-94.

Index



[The following index is for the texts of the constitutions only. The several states' constitutions are indicated by the following abbreviations: A, Argentina; Bo, Bolivia; Br, Brazil; Ca, Canada; Ch, Chile; Co, Colombia; CR, Costa Rica; Cu, Cuba; D, Dominican Republic; Ec, Ecuador; ES, El Salvador; G, Guatemala; Ha, Haiti; Ho, Honduras; M, Mexico; N, Nicaragua; Pa, Panama; Pr, Paraguay; Pu, Peru; US, United States; Uy, Uruguay; V, Venezuela. The letter *a* following a page number indicates the upper half of the type page; the letter *b*, the lower half.]

- Accounts, court of (or equivalent): Br, 65*a*, 72*a*, 75*ab*, 101*a*; CR, 214*a*; Cu, 252*b*, 256*b*, 257*b*, 268*b*, 275*b*, 276*b*, 278*a*, 284*a*, 285*a*, 286*b*-87*a*, 288*b*, 289*b*-91*b*; D, 303*a*, 309*b*, 314*b*-15*a*, 318*b*; ES, 376*a*, 389*a*-90*a*, 394*a*; G, 402*b*, 419*b*, 421*a*, 422*a*, 437*a*-39*b*; Ha, 463*b*; Ho, 479*a*, 488*b*, 491*ab*; N, 575*b*, 590*b*, 594*b*, 595*b*; Pr, 659*a*, 663*b*, 664*ab*; Pu, 690*a*; Uy, 722*a*, 725*b*, 726*b*, 729*b*, 744*a*-46*b*, 753*a*, 755*a*-56*a*
- Accusation of public officials; *see* Impeachment
- Administration, organization and conduct of: A, 27*a*, 29*a*; Br, 65*b*, 73*a*, 75*b*, 78*b*; Ca, 121*b*, 129*a*; Ch, 148*b*, 149*b*, 150*b*, 154*ab*, 159*a*, 160*a*, 162*a*; Co, 167*a*, 174*ab*, 185*ab*, 188*b*, 197*b*, 198*a*; Cu, 256*a*, 280*b*-81*a*, 283*b*, 285*a*; D, 309*a*; Ec, 331*b*, 332*b*; G, 412*b*, 428*b*, 439*a*; Ho, 484*b*, 493*a*; N, 573*b*, 581*b*, 586*b*, 597*b*; Pa, 622*b*, 623*b*, 629*a*, 638*b*, 646*b*-47*b*, 651*b*; Pr, 658*b*; Pu, 687*a*; Uy, 725*a*, 737*b*, 740*b*, 752*b*; V, 779*a*, 789*a*, 815*b*
- Administrative litigation: Co, 167*a*, 189*b*-90*a*, 193*a*, 197*a*, 200*b*; Cu, 271*b*; D, 306*a*; Ec, 352*a*; G, 402*b*, 420*b*, 421*a*, 422*b*, 434*ab*, 435*b*; Pa, 623*b*, 624*a*, 630*a*, 633*a*, 636*a*, 648*b*-49*b*, 651*b*; Pr, 663*a*, 664*ab*; Uy, 722*a*, 725*b*, 726*b*, 729*b*, 730*a*, 744*a*, 757*a*-58*b*; V, 809*ab*
- Admiralty law: A, 30*a*; M, 526*a*, 537*b*; US, 704*a*; Uy, 747*b*
- Aeronautical law: Br, 61*a*
- Agriculture: A, 17*b*; Bo, 56*a*; Br, 61*a*, 94*b*, 97*b*-98*a*, 102*b*; Ca, 124*b*; Ch, 162*a*; CR, 205*b*, 208*a*; Cu, 238*a*, 245*b*, 256*b*, 263*a*, 277*b*, 286*a*, 290*b*, 292*a*-93*a*; D, 300*a*; Ec, 329*a*, 356*a*, 359*b*; G, 408*b*, 410*a*, 412*a*, 414*b*, 415*ab*, 416*b*, 431*a*; Ha, 445*b*; Ho, 486*a*, 489*b*, 494*b*, 495*a*; M, 505*b*, 508*a*, 511*b*, 527*a*, 544*b*; N, 574*b*, 585*a*; Pa, 618*b*, 622*b*, 643*a*-44*b*; Pr, 661*a*; Pu, 672*a*, 687*a*; Uy, 724*b*; V, 776*a*, 789*a*, 811*b*; *see also* Lands
- Agriculture (*Cont.*)
- Airports: Ec, 358*a*
- Alcohol and alcoholism; *see* Liquors and drugs
- Aliens: Bo, 38*b*; Br, 61*b*, 88*a*, 97*b*; Ca, 122*a*; Ch, 139*b*, 140*b*; Co, 167*b*-68*a*; Cu, 228*b*-30*b*, 234*a*, 257*a*, 292*a*; D, 301*b*, 310*ab*; Ec, 324*ab*, 344*a*, 354*a*, 356*b*; ES, 371*a*, 372*b*-73*b*, 377*b*, 387*b*; G, 398*b*-99*a*, 400*a*, 401*a*, 405*b*, 411*b*, 416*a*; Ho, 469*b*-71*a*; M, 501*a*, 507*a*, 514*a*-15*a*, 516*a*, 526*a*; N, 557*a*-58*a*, 562*b*, 567*a*; Pa, 606*a*-7*b*, 645*a*; Pr, 653*b*, 656*b*-58*a*; Pu, 660*ab*, 669*b*-70*a*, 671*a*; V, 766*b*-68*b*, 776*a*, 788*a*, 802*b*, 803*b*
- , rights of: A, 16*b*, 17*b*; Bo, 35*a*; Br, 93*ab*, 96*b*; Ch, 161*b*; Co, 168*a*; CR, 204*b*, 207*b*; Cu, 229*b*, 230*ab*, 243*a*; D, 315*ab*; Ec, 357*b*-58*a*; ES, 369*a*; G, 401*b*; Ha, 445*ab*; Ho, 470*b*-71*a*; N, 558*b*-59*a*; Pa, 608*ab*, 637*b*; Pr, 656*b*; Pu, 671*a*; Uy, 721*b*-22*a*; V, 768*a*, 778*a*
- Alliance, or union: Ch, 156*a*; Ec, 323*b*; ES, 396*a*; G, 398*a*, 404*a*, 422*b*; Ho, 477*b*; M, 544*a*; N, 556*a*, 561*a*; Pr, 659*b*; US, 701*b*; Uy, 724*b*
- Ambassadors; *see* Diplomatic and consular service
- Amnesty: A, 23*a*; Bo, 41*a*, 47*b*; Br, 61*a*, 72*b*; Ch, 150*ab*; Co, 177*a*; CR, 220*a*; Cu, 257*a*; Ec, 332*a*, 343*a*; ES, 377*a*; G, 401*a*, 423*b*; Ha, 457*a*; Ho, 472*a*, 480*b*; M, 527*a*; N, 574*a*, 583*a*; Pa, 623*a*; Pr, 663*a*; Uy, 725*a*; V, 795*a*
- Amparo: ES, 383*a*, 386*a*, 395*b*; G, 433*b*-34*b*, 435*b*; Ho, 495*a*; M, 511*a*, 538*b*-40*a*; N, 590*b*, 600*a*

Appointments; *see* Executive, powers and functions of

Arbitration: CR, 207*b*; ES, 370*a*; G, 423*a*, Ho, 476*b*; M, 548*a*; N, 556*b*, 572*a*; Pa, 633*a*; Pu, 692*b*; Uy, 715*b*, 738*b*; V, 781*a*

Armed forces: A, 16*a*, 17*a*, 23*b*, 28*a*, 31*a*; Bo, 40*b*, 46*a*, 48*a*, 54*b*, 56*ab*; Br, 60*b*, 72*b*, 73*ab*, 83*a*, 88*b*, 91*a*, 98*a*-100*b*; Ca, 111*a*, 121*b*; Ch, 141*b*, 144*ab*, 147*a*, 150*a*, 153*b*, 155*b*; Co, 169*a*, 184*a*, 185*a*, 194*ab*, 197*b*; CR, 205*b*, 207*a*, 214*a*, 219*a*; Cu, 228*a*, 229*a*, 231*b*, 247*a*, 248*a*, 249*b*-50*a*, 251*b*, 253*b*, 257*a*, 259*ab*, 260*b*, 269*b*, 272*a*, 273*a*, 282*a*, 283*a*; D, 309*a*, 310*a*, 315*b*, 316*ab*; Ec, 326*a*, 329*a*, 332*a*, 341*a*, 342*a*, 344*a*, 353*b*-54*a*; ES, 381*b*, 390*b*-91*a*; G, 404*a*, 405*b*, 419*b*, 421*a*, 426*b*, 431*a*-32*a*, 434*ab*; Ha, 446*b*, 464*ab*; Ho, 479*a*, 485*a*, 492*ab*, 493*b*; M, 500*b*, 505*a*, 514*b*, 515*b*, 519*a*, 526*a*, 529*a*, 530*a*, 531*a*, 533*a*, 543*a*, 544*b*, 547*b*, 550*ab*; N, 559*a*, 560*b*-61*a*, 571*ab*, 573*b*, 583*ab*, 599*a*-600*a*; Pa, 607*b*, 610*a*, 622*b*, 630*a*, 648*ab*; Pr, 654*b*-55*a*, 656*b*, 657*ab*, 659*b*, 662*b*, 663*a*; Pu, 673*b*, 675*a*, 676*b*, 678*b*, 679*a*, 680*a*, 681*b*, 684*a*, 691*ab*; US, 700*b*, 701*b*, 706*b*, 707*a*; Uy, 718*a*, 722*a*, 723*a*, 724*b*, 726*b*, 737*a*, 739*a*; V, 779*b*-80*b*, 785*a*, 788*b*, 803*a*-4*a*; *see also* Defense, national

—, foreign: A, 23*b*; Bo, 37*a*, 40*b*; Br, 60*b*, 72*b*, 77*b*; Ch, 150*a*; Co, 181*a*, 185*b*; CR, 213*a*; Cu, 229*b*, 252*b*; Ec, 332*a*, 352*ab*; ES, 377*b*; G, 423*a*; Ho, 481*a*, 485*a*; M, 529*a*; N, 584*a*; Pr, 663*a*; Pu, 668*b*, 680*a*; Uy, 725*a*

—, officers of: Bo, 48*a*, 56*b*; Br, 70*a*, 77*b*, 88*b*, 89*ab*, 99*a*, 100*a*; Ca, 111*a*; Ch, 155*a*; Co, 169*b*, 181*a*, 183*a*, 185*a*, 192*a*; CR, 214*b*, 218*b*, 219*b*; D, 310*a*; Ec, 333*ab*, 341*a*, 351*a*, 352*a*, 354*a*; ES, 376*b*, 379*b*, 381*a*, 391*a*; G, 419*b*, 423*b*, 426*a*, 429*b*, 431*a*-32*b*; Ho, 471*b*, 481*a*, 485*a*, 492*ab*; M, 514*b*, 526*a*, 528*b*, 532*b*; N, 561*u*, 574*b*, 580*a*, 581*b*, 583*ab*; Pa, 629*a*, 630*a*; Pr, 654*b*-55*a*, 658*a*, 659*b*, 661*a*; Pu, 679*b*-80*a*, 683*b*, 691*ab*; US, 700*b*, 703*a*; Uy, 726*b*-27*a*, 738*a*; V, 780*b*, 785*a*, 792*b*, 803*b*

—, recruitment of: A, 19*b*; Bo, 56*a*; Br, 99*b*; Ch, 141*b*, 150*b*; Co, 194*a*; Ec, 354*a*; ES, 390*b*-91*a*; G, 431*a*; Ha, 464*a*; Ho, 487*b*, 492*a*; M, 523*a*; N, 599*b*; Pr, 660*a*; Pu, 691*ab*; V, 769*a*, 785*b*

Arms: Co, 172*b*; Ho, 475*a*, 476*a*; M, 501*a*, 514*b*; N, 568*a*; Pa, 648*b*; US, 706*b*; V, 780*a*

Arrest, or confinement: Bo, 37*a*; Br, 92*a*, 104*b*; Ch, 142*b*-43*b*; Co, 170*a*, 182*b*; CR,

Arrest, or Confinement (*Cont.*)

207*a*, 211*a*, 213*a*; Cu, 232*a*, 236*a*, 254*a*; D, 300*b*-301*a*, 304*b*, 310*a*; Ec, 342*b*, 360*b*; ES, 373*b*, G, 405*b*; Ha, 446*a*, 454*a*, M, 504*ab*, 540*b*; N, 559*b*, 566*a*, 585*ab*; Pa, 609*b*, V, 777*b*; *see also* Justice, administration of

—, freeddom from: Bo, 33*b*; Co, 169*a*; Ho, 473*a*, 474*a*, M, 502*a*; Pa, 608*b*; Pr, 655*b*; Pu, 673*a*; US, 699*a*; V, 769*ab*

Arson: ES, 370*a*; M, 504*b*; N, 560*a*

Artistic, historic, and archeological wealth: Bo, 55*b*; Br, 98*b*, Cu, 227*b*, 240*a*; D, 305*b*; Ec, 361*a*; G, 415*a*; Ha, 464*b*; Ho, 490*ab*; N, 562*a*; Pa, 640*ab*; Pu, 675*a*; Uy, 717*b*; V, 773*b*

Arts and sciences: Bo, 48*a*; Br, 98*b*; CR, 215*a*; Cu, 239*b*; Ec, 355*b*-56*a*; G, 403*b*, 414*b*, 415*a*; Ho, 470*b*, 494*b*; M, 527*a*; N, 558*b*, 569*a*; Pa, 610*b*, 618*b*, 622*b*; US, 700*a*; Uy, 721*b*; V, 773*a*

Assassination; *see* Murder

Assemblies, constituent: A, 17*b*, 25*b*, 26*b*; Br, 106*a*; CR, 205*a*, 225*ab*; Cu, 247*b*, 295*b*, 296*a*; D, 320*a*; Ec, 363*b*, 364*a*-65*a*; ES, 375*b*, 395*ab*; G, 440*b*-41*b*; Ho, 495*a*; N, 602*ab*; Pa, 650*a*, 651*b*; Uy, 760*a*; V, 814*b*-15*a*, 816*b*, 818*b*

Assembly, right of; *see* Association, right of

—, state of; *see* Siege, state of

Association, or assembly, right of: A, 15*b*; Bo, 33*b*, 51*a*; Br, 91*b*, 96*b*, 104*b*; Ch, 141*a*, 150*a*; Co, 172*a*; CR, 206*b*; Cu, 230*a*, 235*a*; D, 300*a*; Ec, 362*a*; ES, 369*b*, 371*b*; G, 404*a*; Ha, 447*b*-48*a*; Ho, 475*a*; M, 500*b*, 515*b*; N, 559*a*, 568*a*; Pa, 610*a*; Pr, 655*a*; Pu, 670*b*, 673*b*; US, 706*b*; Uy, 718*a*; V, 771*b*

Asylum, right of: Cu, 233*b*-34*a*; ES, 369*a*; G, 403*a*; Ha, 448*a*; V, 770*b*

Atlantic Charter: N, 556*b*

Attainder: US, 701*ab*, 704*b*

Attorney-general: Bo, 43*b*, 47*b*, 52*b*, 53*b*; Br, 62*b*, 69*b*, 71*b*, 72*a*, 80*b*, 87*a*, 89*a*; Ca, 117*b*, 120*a*, 129*a*; Co, 178*b*, 180*a*, 181*b*, 182*a*, 183*a*, 184*b*, 188*a*, 190*ab*, 192*a*, 200*b*; D, 305*a*, 312*b*, 313*ab*, 318*b*; Ec, 328*a*, 333*b*, 350*b*, 352*b*; ES, 391*b*-92*a*, 394*a*; G, 420*b*, 421*a*; M, 525*b*, 531*a*, 532*b*, 537*a*, 539*b*, 540*b*; N, 575*b*, 587*a*-88*a*, 591*a*, 594*b*; Pa, 624*a*, 633*a*, 634*ab*, 635*b*-36*b*, 651*a*; Uy, 738*a*; V, 790*a*, 808*a*, 810*b*-11*a*, 816*b*, 817*b*

Audit; *see* Accounts, court of; Comptroller-general

Auditor-general: Ho, 479*a*, 480*b*, 488*b*, 491*b*; M, 527*a*, 528*a*

Autarchic entities; *see* Autonomous agencies

Authorship: A, 16a; Br, 92a, 103a; Ch, 142a; Co, 171a; CR, 215a; Cu, 245b; D, 300b; Ec, 361b; ES, 377a; G, 417a; Ho, 480b; M, 513a; N, 562b, 574b, 584b; Pa, 611b; Pr, 655b; Pu, 670b; US, 700a; Uy, 717b; V, 775b

Autonomous agencies: Bo, 50ab; Br, 69ab, 75a, 93ab, 100a, 104b; Ch, 144a; CR, 209a; Cu, 248b, 268b, 286b, 290b, 293b; D, 317a; Ec, 353a, 363a; ES, 387b, 389a; G, 414b, 437b, 438a; N, 594b-95b, 597a, 598b; Pa, 616b, 630a, 641a, 642a-44a, 647b, 648b; Uy, 717a, 722a, 726b, 730ab, 741b-43b, 744a, 745a-46a, 757ab; V, 790a, 795a, 813ab

Bail: Br, 92a; Ch, 143b; ES, 373b; G, 400b; Ho, 473b; M, 503a; N, 566b; Pa, 619b; Pr, 656a; US, 707b; Uy, 717a; V, 769b

Banishment; *see* Exile

Bankruptcy: A, 22b, 31a; Bo, 39a; Br, 82a; Ca, 113a, 122a; Ec, 325a; M, 548b; Pr, 657b; US, 700a

Banks and banking: A, 22a, 31a; Br, 60b, 94a; Ca, 122a; Co, 185b; Cu, 256b, 292a, 293b; D, 317b, 320b; Ec, 328a, 333b, 353ab, 357a, 363a; G, 403b, 416a, 428b, 437a; Ha, 463a; M, 508a, 513a, 526a; N, 564b, 574a, 584b; Pa, 641a; Pr, 661a, 663a; Pu, 669ab; Uy, 739a, 743a; V, 788a

Bills; *see* Legislation, procedure of adopting

Boundaries and frontiers: A, 22b, 28a; Bo, 35a, 46b, 53a; Br, 60b, 61a, 67b, 72b; Ca, 110a, 130b, 132a; Co, 166a-67a, 181a; CR, 203a; Cu, 275a, 282b; D, 299b, 306a; Ec, 332a; ES, 368ab, 386a; G, 415b, 416a, 423a; Ha, 444b; Ho, 469a, 492b; M, 506a, 507a, 517b-18a, 524a, 544a; N, 556a; Pa, 605a; Pi, 659b; Pu, 671a; V, 765b-66a

Bribery: US, 704a

Bridges; *see* Roads and bridges

Budgets: A, 22a, 28a; Bo, 41b, 47a, 49a-50a, 52b, 54a, 55b; Br, 65b, 72a, 74b-75a, 78b, 93a, 103b; Ch, 144a, 149ab, 150b, 155b, 156b; Co, 176a, 181b, 184a, 197a, 199a-200a; CR, 214a; Cu, 239a, 248a, 250a, 253b, 256b, 260a, 272a, 276ab, 277b, 282a, 284a, 285a, 286a-89b, 290b-91b; D, 310b, 318b-19b; Ec, 333b, 335a, 348b-50b, 353b, 365a; ES, 376b, 380b, 383b, 387b-89b; G, 415a, 422a, 423b, 427b, 433ab, 436a-37a, 438b, 439b; Ha, 453a, 462b-64a; Ho, 481ab, 483a, 490b-91a; M, 520b, 525b, 527b, 528ab, 550a; N, 573b, 575a, 579a, 582a, 583a, 584b,

Budgets (*Cont.*)

590b, 593a-94b, 596a; Pa, 623a, 626a, 629b, 638b, 641b, 650a; Pr, 659b, 661b, 663a; Pu, 669a, 678b, 679b, 686b, 688b-89a, 690a; Uy, 723a, 724b, 725ab, 729a, 738b, 743b-46a, 747b-48a, 752b, 753ab, 754b-55b, 758b; V, 786b-87a, 792a, 794b, 798b, 799a, 803a, 806ab, 811b-12b, 817b

Calamities; *see* Disasters

Canals: A, 23a, 31a; Bo, 40b; Ca, 123a; Co, 196b; CR, 205a; Cu, 256b; ES, 381b, 390b; N, 556a

Capital (monetary): A, 23a, 31a; Bo, 50b; Br, 61a, 94a, 99b; Co, 196b; CR, 214b; Cu, 244b, 293b; D, 317a; Ec, 353a; ES, 392b; G, 408b, 416b, 417b; M, 507ab, 512a, 547b; N, 595a; Pa, 615a, 643b; Pr, 657b; Pu, 672a, 687b, 689a; Uy, 721b, 742a; V, 777a, 788a

Capital, national: A, 14b, 18b, 19b, 23b, 26ab, 27b, 28b; Bo, 39a; Br, 60a, 63b, 65a, 68a, 75a, 82a, 83a, 85a, 103a; Ca, 111a; Co, 175a, 187a, 198a; CR, 216a; D, 299b, 306b; Ec, 323b, 327a, 342a; Ha, 444a, 452a; Ho, 478a, 493a; N, 557a; Pr, 653b; Pu, 687b; US, 700b-701a; V, 800a

Capital punishment; *see* Death penalty

Catholic church; *see* Church, established

Cedulas: Pa, 620a

Cemeteries: Br, 91a; N, 561b; V, 782b, 783a

Censorship; *see* Press, freedom of

Census: A, 19a; Ca, 110a, 115b, 116a, 121b, 134ab; Co, 180a, 181a; Cu, 246a, 247b, 269a; Ec, 364b; ES, 387a; M, 499b; N, 575a; Pa, 623a; Pu, 689a; US, 697b, 701a, 710a; V, 788b, 794b, 804b

Charity: Ca, 123a; Ch, 144a; Co, 177a, 196b; Cu, 244a, 246a; ES, 368b, 387b; G, 403b; Ho, 486a; M, 507b; N, 558b, 563a, 564b, 574b, 597b; Pa, 622b; Pu, 688b-89a; V, 812b

Children: Bo, 51b; Br, 93b, 96a, 97a, 98a; Ch, 139b; Co, 167b; CR, 203b, 208a; Cu, 228b, 236b-37b, 241b-42a, 249b; D, 301b; Ec, 324ab, 354b-55b, 359ab; ES, 372b, 392ab, 393a; G, 398b, 406ab, 410ab, 413a-14b; Ho, 469b-70a, 494b; M, 514a, 546ab; N, 557a-58b, 563b-64a, 565a, 568b, 574a; Pa, 605b, 606ab, 612a-13a, 614b-15a, 617b; Pr, 657a; Pu, 668a, 672b; Uy, 718b, 719b, 720b, 721b; V, 766b-67b, 772a, 774b, 818a

Church, established, or preferred: A, 14a, 23a, 25a, 27b; Bo, 33a, 35b, 43b, 47b, 53a; Br, 67a, 102b; Ca, 123b-24a; Co,

Church, established, or preferred (*Cont.*)

173a; CR, 209b, 210b; D, 317a; ES, 369b; Pa, 610a; Pr, 653a, 658a, 659a, 661a; Pu, 680a, 684b, 693a; Uy, 715ab; V, 778b; *see also* Clergy; Religion; Religious orders

Citizenship: A, 31a; Bo, 38b; Ch, 140a, 145a; Co, 168ab; CR, 203b-4a, 225b; D, 301b; Ec, 325a; ES, 373b; G, 399b-400a; Ha, 445a; Ho, 471a; M, 515a-16b, 526a; N, 559a; Pa, 619a; Pr, 657a; Pu, 675ab; US, 709a; Uy, 722ab; *see also* Nationality; Naturalization

—, duties of: A, 17a; Ec, 354b; ES, 387a; Ha, 448b; Ho, 487b; M, 514ab, 515b; N, 559a; Pr, 654a, 657a; V, 768a

—, loss and recovery of: Bo, 38b-39a, 43b; Ch, 140a, 148b; Co, 168ab; CR, 204ab, 220a; Cu, 229ab; D, 302a, 315b; Ec, 325ab, 329b; ES, 373b-74a, 377a, 381b; G, 400a-401a; Ho, 471b-72a; M, 516ab; N, 559b, 585a; Pa, 619ab, 625a; Pr, 657b; Pu, 675a; Uy, 723ab

—, rights, privileges, and immunities of: A, 15a, 19a, 20a, 22b; Cu, 228ab; D, 302a, 315b; Ec, 327a, 347b; ES, 375a; G, 399b, 404a; Ha, 445ab; Ho, 471b; M, 515b; N, 559a; Pa, 638a; Pr, 658a

Civil law and code: A, 22b, 31a; Bo, 35b; Br, 61a, 91a, 97a; Ca, 125a; Co, 170a, 172b; Ha, 465a; Ho, 474b; N, 564a, 591a; Pa, 626b; Pu, 691a; V, 789a

Civil war; *see* Order, public; Rebellion

Clergy: A, 21b; Bo, 39b, 46a, 47b; Br, 100a; Co, 173a; CR, 206b; Ec, 328a; ES, 387a; G, 403b; Ho, 470b, 475a, 476a; M, 499a, 507b, 519a, 531a, 550b-52a; N, 561b, 597b; Pa, 610b-11a; Pr, 659a, 662b; Pu, 676b, 681b, 684b, 685b; *see also* Church, established; Religious orders

Coat-of-arms; *see* Symbols

Codes, and law; *see under* subject-entry headings under specific codes and kinds of law

Coinage; *see* Currency and coinageColonization; *see under* Lands

Commerce: A, 15a, 17b, 22b, 28a, 31a; Bo, 49b; Br, 61b, 63a, 64b, 96a, 97b-98a; Ca, 121b, 127a; Ch, 156a, 162a; Co, 186a, 194a; CR, 208a; Cu, 228a, 238a, 243a, 256b, 277a, 286a, 289a, 290b, 292a, 293a; Ec, 329a, 356a; Ha, 445b, 447a; Ho, 481b, 486a, 494b; M, 500a, 512b, 513b, 526a, 527b, 544a, 552a; N, 573a, 585a, 596b; Pa, 643ab; Pr, 654a, 659b, 661a; Pu, 669b, 674b, 689b; US, 700a, 701ab; Uy, 724b; V, 783a, 785b; *see also* Shipping
—, right to carry on: A, 15b, 16b; Bo,

Commerce, right to carry on (*Cont.*)

33b; Br, 92a; CR, 205b; Cu, 236b; Ec, 360a, 361b; G, 417a; Ho, 475a; M, 499b; N, 562a, 564b; Pa, 610b, 644b-46b; Pr, 653b, 655a, 656b; Pu, 671b; Uy, 718a; V, 776b

Commercial law and code: A, 22b, 31a; Br, 61a; Ha, 465a; N, 591a; Pa, 626b; V, 789a

Commissions, judicial: A, 16a; Bo, 34b; Br, 92b; Ch, 142b; CR, 206b; Cu, 272a; Ec, 355a; Ho, 473b; M, 501a; Pu, 692b; Uy, 716b; V, 769b

Committees; *see under* Legislature

Commons, House of; *see under* Popular chamber

Communications; *see* Radio broadcasting; Telegraph; Telephone

Commutations; *see* Pardons and commutations

Compensation; *see* Indemnification

Comptroller-general (or equivalent): Bo, 43b, 47b, 50b, 52b; Ch, 144a, 147a; Co, 174a, 178b, 180a, 181b, 183a, 188a, 192a; Cu, 290b; Ec, 328a, 333b, 351a, 353ab; Pa, 624a, 639ab, 641b-43a, 651a; Uy, 719a; V, 790a, 808a, 813ab, 817b

Concessions: Bo, 40a, 53a; Br, 61a, 69b, 94b, 95a, 96a, 99b, 100a, 104b; Ch, 149a; CR, 214b; Cu, 245a, 255a, 289a; D, 316b, 317b; Ec, 328b; G, 417b-18a, 423ab; Ho, 475b; M, 506b-7a, 509a, 512b, 514b; N, 592b; Pa, 639b, 640b; Pr, 662a, 663a; Pu, 669b, 671a, 677b; Uy, 719ab, 753b; V, 776ab, 789a

Conciliation: Br, 85ab; Cu, 244b; Ec, 359b; M, 546b, 547b-48a, 549a; N, 565b; Uy, 720a; V, 774b

Concordats; *see* Treaties

Confiscation; *see* Expropriation

Congress; *see under* Legislature

Conscience, freedom of; *see* Religion, freedom of

Constitution: A, 14ab, 17ab, 18a, 24a, 25b, 30a, 31b; Bo, 36a, 52a; Br, 64a, 76b, 88a, 90b; Ca, 109a; Ch, 140b, 148b, 154a; Co, 166a, 168a, 174b, 184a; CR, 204a, 219a; Cu, 230a, 235b, 239b, 256a, 257ab, 258a, 259b, 263a, 270a, 277a; D, 301a, 307a, 309a, 316b; Ec, 331a, 339a, 351a, 354b, 362b, 363ab; ES, 393b; G, 401b, 427b, 431ab; Ha, 448a; M, 552b-53a; N, 560a, 583b, 591b, 600ab, 601b-2a; Pa, 606a, 608a, 625a, 627b, 649b-50a; Pr, 653a, 654b, 665a; Pu, 670a, 691a; US, 706a; Uy, 731b, 757b, 759a, 761a; V, 802b, 818b

—, amendment or reform of: A, 17b; Bo, 57ab; Br, 105b-6a; Ch, 152a, 163ab; Co,

Constitution (*Cont.*)

- 172*b*, 201*a*; CR, 224*b*-25*a*; Cu, 268*a*, 294*b*-95*b*; D, 306*b*, 320*ab*; EC, 331*a*, 333*a*, 335*a*, 337*a*, 362*b*-63*a*; ES, 395*b*-96*a*; G, 440*b*-41*b*; Ha, 451*a*, 455*b*; Ho, 495*a*; M, 552*b*-53*a*; N, 600*b*-601*b*; Pa, 634*b*, 649*b*; Pr, 665*b*; Pu, 682*a*, 687*b*, 693*b*; US, 705*b*; Uy, 759*b*-61*a*; V, 814*ab*
- , of federal units: A, 14*b*, 31*a*; Br, 64*a*, 65*b*; Ca, 122*b*; US, 706*a*; V, 784*b*, 786*a*-87*a*
- , interpretation of: Bo, 52*b*, 57*b*; Br, 72*a*, 81*b*, 103*a*; Ch, 159*a*; Co, 179*b*, 200*ab*; Cu, 231*a*, 265*b*-66*b*, 268*ab*; Ec, 337*a*, 362*b*; Ha, 459*b*; Ho, 489*a*; N, 591*a*; Pa, 634*b*; Uy, 725*b*, 751*a*; V, 808*b*-9*a*
- , violation of: Bo, 47*a*; Br, 62*a*, 73*b*, 78*a*, 85*a*; Ch, 146*b*, 147*a*, 161*a*; Co, 169*a*, 184*b*, 188*a*, 192*a*, 197*b*, 200*b*; CR, 205*ab*, 224*a*; Cu, 231*a*, 251*b*-52*a*, 255*a*, 271*a*-72*a*; D, 308*a*; Ec, 325*a*, 335*b*-36*a*, 344*a*, 348*b*, 351*a*, 354*a*, 362*b*; ES, 377*b*, 382*a*, 385*b*, 386*a*; G, 422*b*, 435*b*; Ha, 465*a*; Ho, 486*a*; N, 560*b*, 591*a*; Pa, 608*a*; Pr, 653*b*; Pu, 670*b*, 679*ab*, 681*a*; Uy, 727*a*, 747*b*, 756*a*, 759*ab*; V, 779*a*
- Consular service; *see* Diplomatic and consular service
- Consumption: Br, 61*a*, 63*ab*; Co, 170*b*; Cu, 276*a*, 293*a*; G, 412*a*; M, 544*a*; Pa, 618*b*, 644*a*
- Contracts: A, 15*b*; Bo, 40*a*, 53*b*, 55*b*; Br, 69*a*, 75*a*, 81*b*; Ch, 145*ab*; Co, 176*b*, 183*b*, 185*b*; CR, 208*b*, 214*b*; Cu, 231*a*, 242*ab*, 243*b*, 255*a*, 292*ab*; D, 304*a*, 309*b*, 316*b*, 317*b*; Ec, 328*b*, 331*a*, 344*a*, 351*b*, 356*b*, 358*ab*, 359*a*, 361*b*; ES, 369*b*, 375*a*, 390*a*, 393*a*; G, 408*b*, 410*b*, 411*a*, 416*b*-18*a*, 423*ab*; Ha, 463*b*; Ho, 479*a*, 481*a*, 483*a*, 491*b*; M, 499*b*-500*a*, 512*b*, 546*a*, 548*a*-49*b*, 552*b*; N, 562*a*, 565*ab*, 572*a*, 573*ab*, 582*a*, 584*b*, 592*b*; Pa, 614*b*-15*a*, 621*b*-22*b*, 629*b*, 645*b*, 651*a*; Pr, 654*a*; Pu, 669*b*, 670*b*, 671*b*; US, 701*b*; Uy, 724*b*, 754*a*; V, 774*b*, 775*a*, 781*b*, 782*b*, 794*b*, 803*a*, 809*a*
- Conventions, constituent; *see* Assemblies, constituent
- Co-operatives: Bo, 51*a*; CR, 208*b*; Cu, 243*ab*, 276*a*, 286*b*; ES, 393*b*; G, 412*a*, 416*b*, 417*ab*; Ha, 448*a*; M, 513*ab*, 549*b*; Pa, 618*b*, 644*a*; Pu, 672*a*; V, 776*b*
- Copyrights: Ca, 122*a*; Co, 171*a*; Ec, 341*b*; *see also* Authorship
- Corporations: Br, 64*b*, 65*a*, 69*ab*, 93*b*, 94*b*, 96*b*, 100*a*; Ca, 123*a*; Ch, 145*a*, 155*b*; Co, 168*a*, 170*a*, 172*a*, 174*a*, 176*b*, 177*b*; CR, 203*a*; Cu, 243*b*, 248*b*; Ec, 324*b*, 328*b*,

Corporations (*Cont.*)

- 353*ab*, 356*b*; ES, 371*ab*; G, 416*a*-17*a*, 419*b*, 429*b*; Ha, 445*ab*, 453*a*; M, 501*a*, 506*b*-8*a*, 544*b*; N, 572*a*, 584*b*; Pa, 607*b*, 610*ab*, 622*b*, 644*b*-45*a*, 646*a*; Pr, 655*b*; V, 781*b*
- Corregidores*; *see* Local government
- Correspondence, freedom of: A, 16*a*; Bo, 35*a*, 37*b*; Br, 91*a*, 104*b*; Ch, 142*a*; Co, 171*ab*; CR, 206*ab*; Cu, 234*a*; D, 300*b*; Ec, 361*a*; ES, 371*a*; G, 404*b*; Ha, 448*a*; Ho, 474*ab*; M, 505*a*; N, 568*b*-69*a*; Pa, 609*ab*; Pr, 656*a*; Pu, 673*b*-74*a*; US, 707*a*; Uy, 717*a*; V, 770*b*-71*a*
- Counterfeiting: A, 22*b*, 31*a*; US, 700*a*
- Courts: A, 18*a*, 19*b*, 20*b*, 22*b*, 23*a*, 27*b*, 29*b*-30*a*; Bo, 34*a*, 42*a*, 47*b*, 52*b*, 53*b*, 57*b*; Br, 65*b*, 73*a*, 80*a*-82*b*, 85*b*-87*a*, 103*ab*; Ca, 122*a*, 123*b*, 124*a*, 125*a*, 128*ab*; Ch, 142*b*, 144*a*, 146*a*, 148*b*, 150*a*, 157*b*; Co, 169*b*, 173*b*, 184*b*, 190*ab*, 192*ab*, 194*b*; CR, 206*b*-7*a*, 215*a*, 220*b*, 222*a*; Cu, 229*b*, 231*b*, 232*b*-33*a*, 236*b*, 252*a*, 272*a*-74*b*; D, 300*b*-301*a*, 306*a*, 312*a*-14*b*; Ec, 330*a*, 346*a*, 351*a*; ES, 370*b*, 372*a*, 382*a*, 383*b*-84*a*, 394*a*; G, 433*b*-34*b*; Ha, 458*b*-59*b*; Ho, 487*a*; M, 534*ab*; N, 588*b*-90*a*, 592*a*; Pa, 633*b*; Pr, 663*b*; Pu, 691*b*-92*a*; US, 700*b*, 703*b*, 704*a*; Uy, 724*a*, 747*a*-48*a*, 749*ab*; V, 770*b*, 781*b*, 806*b*; *see also* Justice, administration of; Supreme court
- , of federal units: A, 18*a*, 22*b*; Br, 86*a*-87*a*; Ca, 124*b*-25*a*; US, 706*a*
- , labor: Bo, 51*ab*; Br, 79*b*, 85*ab*, 87*a*; Co, 194*a*; CR, 209*b*; Cu, 244*b*; Ec, 359*b*; G, 411*b*; Ha, 459*a*; M, 548*a*; Pa, 615*a*
- , military: Br, 79*b*; 82*b*-83*a*, 87*a*, 100*a*, 104*a*; Co, 194*b*; CR, 207*a*; Cu, 272*ab*; ES, 382*b*; G, 432*a*, 434*a*; Ha, 446*b*, 459*b*; Ho, 472*b*; M, 501*b*; N, 599*b*; Pr, 663*a*; Pu, 692*b*
- Credit or exchange, institutions and operations of: Br, 61*b*, 72*b*, 94*b*; Co, 186*a*; Cu, 279*a*; Ec, 353*a*; ES, 393*b*; G, 402*a*, 403*b*, 428*b*; Ha, 462*a*; Ho, 475*b*; M, 508*a*, 526*a*, 527*b*, 584*b*; Pa, 618*b*, 643*b*; V, 782*b*; *see also* Banks and banking
- Crime: A, 15*b*, 17*a*, 19*b*, 21*a*, 30*b*; Bo, 34*a*, 35*a*, 49*a*, 53*a*, 54*a*; Br, 69*ab*, 70*b*, 71*b*, 78*a*, 79*a*, 80*b*, 81*ab*, 82*a*-83*a*, 84*b*, 86*b*, 88*b*, 92*b*; Ca, 113*a*; Ch, 140*a*, 145*a*, 146*ab*, 148*a*, 155*b*; Co, 169*a*, 170*a*, 180*b*, 182*b*, 194*b*, 195*b*; CR, 207*a*; Cu, 229*b*, 230*b*-31*a*, 234*a*, 236*a*, 257*a*, 260*b*, 270*b*, 272*ab*, 273*a*; ES, 370*ab*, 394*a*; G, 403*a*, 404*b*, 407*a*, 408*a*, 428*a*, 433*a*, 438*a*; Ha, 471*a*, 472*b*, 473*b*, 488*a*; M, 500*a*, 501*ab*, 527*a*,

Crime (*Cont.*)

529*b*, 535*b*, 541*ab*; N, 556*b*, 560*a*, 563*b*, 567*b*, 574*b*, 599*b*; Pa, 609*a*, Pr, 654*b*; Pu, 672*b*, 673*a*, 679*a*, 693*a*; US, 704*ab*, 707*ab*, 709*b*; Uy, 717*a*; V, 770*b*; *see also* Justice, administration of; Political offenses; and *see under* subject-entry headings for specific crimes

Criminal law; *see* Penal law and code

Capture: Br, 98*b*; Cu, 237*b*, 240*a*, 276*a*, 277*a*; G, 411*b*, 413*b*-15*a*; Ho, 490*a*; M, 527*a*; Pa, 616*b*-17*a*, 618*ab*; V, 764*a*, 773*a*

Currency and coinage: A, 22*ab*, 31*a*; Bo, 40*b*; Br, 60*b*, 61*b*, 72*b*, 102*a*; Ca, 122*a*; Ch, 150*a*; Co, 172*b*, 176*b*; CR, 215*a*; Cu, 256*b*, 291*b*, 293*b*; D, 317*ab*, 320*b*; Ec, 331*b*-32*a*, 358*b*; ES, 371*b*, 377*a*; G, 409*a*, 422*b*, 423*b*, 439*b*; Ha, 462*a*; Ho, 481*b*, 485*b*-86*a*; M, 512*b*, 526*b*, 544*ab*; N, 565*a*, 573*b*, 584*b*; Pa, 623*a*, 641*a*; Pr, 654*a*; Pu, 669*ab*, 671*b*, 679*b*; US, 700*a*, 701*b*; Uy, 725*a*; V, 788*a*; *see also* Counterfeiting

Customs houses; *see* Tariff

Death penalty: A, 16*b*, 21*a*; Bo, 35*b*, 47*b*; Br, 92*b*-93*a*; Co, 170*a*; Cu, 231*b*; D, 299*b*; Ec, 360*a*; ES, 370*a*; G, 408*a*; Ha, 447*a*; Ho, 472*b*; M, 504*b*; N, 560*a*, 574*a*, 583*a*; Pa, 609*b*; Pr, 655*b*; Pu, 672*b*; Uy, 717*a*; V, 769*a*

Debt, public: A, 22*a*; Bo, 40*b*, 50*a*; Br, 62*a*, 63*b*, 65*ab*, 72*a*; Ca, 121*b*, 125*b*, 126*a*-27*a*, 130*a*, 134*b*; Co, 174*a*, 176*b*, 198*b*, 199*b*; Cu, 256*b*, 286*a*, 291*b*; D, 306*b*; Ec, 331*b*, 348*b*, 356*b*; ES, 377*b*, 387*b*-88*a*, 389*a*, 390*b*; G, 422*ab*, 436*b*, 439*b*; Ho, 481*b*; M, 512*a*, 525*b*, 544*b*; N, 573*b*, 593*a*; Pa, 623*a*, 642*b*; Pu, 669*a*, 679*b*; US, 700*a*, 701*b*, 709*b*-10*a*; Uy, 724*b*, 740*b*, 755*b*; V, 794*b*

Defense, national: A, 17*a*, 22*a*, 23*a*, 24*a*; Bo, 48*a*, 56*b*; Br, 60*b*, 61*a*, 66*ab*, 67*b*, 99*ab*, 104*a*, 105*a*; Ca, 121*b*, 126*b*; Ch, 150*a*, 154*b*, 156*a*; CR, 204*a*, 218*b*, 219*a*; Cu, 228*a*, 261*a*; D, 309*a*, 316*a*; Ec, 340*b*-41*a*, 342*a*, 348*b*, 353*b*; G, 401*a*, 427*b*; Ha, 456*b*, 464*a*; Ho, 470*b*, 481*a*, 486*ab*; M, 514*b*, 515*b*, 532*b*; N, 581*b*; Pr, 654*b*, 657*a*, 660*a*; Pu, 669*b*; US, 700*a*; Uy, 738*b*; V, 764*a*, 768*a*, 769*a*, 779*b*-80*a*, 784*a*, 787*b*, 794*a*, 802*a*, 803*b*-4*a*

Departments, territorial; *see* Local government

Deputies, chamber of; *see* Popular chamber

Designate: Co, 175*b*, 180*a*, 181*a*, 185*b*, 187*a*, 188*a*; CR, 213*b*, 217*b*, 218*a*, 220*a*; ES, 376*ab*, 379*a*, 395*b*; N, 576*b*, 580*b*-81*a*

Diplomatic and consular service and personnel:

A, 27*b*, 30*a*, 31*b*; Bo, 39*b*, 42*b*, 47*ab*, 52*b*; Br, 70*a*, 72*a*, 80*b*, 102*b*; Ch, 145*b*, 154*b*, 155*b*; Co, 177*b*, 180*a*, 183*a*, 186*a*, 192*a*; CR, 211*b*, 213*b*, 218*b*, 219*ab*; Cu, 248*b*, 252*ab*, 260*b*; D, 301*b*, 303*a*, 309*b*, 313*a*, 318*b*; Ec, 328*a*, 341*a*, 352*a*; ES, 375*a*, 381*a*, 394*a*; G, 398*b*, 408*a*, 420*a*, 428*a*, 430*b*; Ha, 455*b*; Ho, 469*b*, 479*a*, 480*b*, 485*b*, 493*b*; M, 527*a*, 528*b*, 532*b*, 537*a*, 538*a*; N, 572*a*, 575*b*, 584*a*, 591*a*; Pa, 621*ab*, 625*a*, 629*b*, 647*a*; Pr, 659*a*, 661*b*; Pu, 684*ab*, 692*b*; US, 703*b*, 704*ab*; Uy, 738*ab*, 747*b*; V, 765*a*, 790*b*, 802*a*, 808*a*

Disasters: Br, 61*a*, 64*a*, 75*a*, 91*b*, 102*b*; Ch, 155*a*; Cu, 234*b*, 275*b*, 288*a*, 293*b*; Ec, 343*a*, 350*b*; ES, 371*a*, 388*b*; G, 412*b*, 429*a*; Ho, 474*a*, 477*a*; N, 562*b*, 567*b*, 585*b*; Pa, 609*a*

Divorce: Cu, 236*b*-37*a*; N, 558*a*

Domain, public; *see* Lands; Property, public

Domicile: G, 398*b*-99*a*, 400*b*, 411*a*; M, 514*a*; Pa, 606*a*; V, 766*b*-67*a*

—, freedom of: A, 16*a*; Bo, 35*a*; Br, 91*b*; Ch, 142*a*; Co, 169*ab*; CR, 206*a*; Cu, 233*b*, 234*b*; D, 300*b*; Ec, 361*a*; ES, 370*b*; G, 403*a*, 405*a*; Ha, 446*b*; Ho, 473*b*-74*a*; M, 502*a*; N, 567*a*-68*a*; Pa, 609*a*; Pr, 656*a*; Pu, 673*b*; US, 707*a*; Uy, 716*a*; V, 770*b*

Double jeopardy: D, 300*b*; ES, 370*a*; M, 505*a*; US, 707*a*; V, 770*a*

Drought; *see* Disasters

Due process of law: US, 707*a*, 709*a*

Economy, council of (or equivalent): Br, 72*a*, 77*a*, 103*b*; Ec, 334*b*, 335*a*, 337*b*, 338*a*, 349*a*, 351*a*; Pa, 643*b*; Pu, 687*b*; Uy, 746*b*-47*a*; V, 777*a*

—, national: Bo, 49*b*; Br, 61*a*, 63*a*, 94*a*-95*b*, 102*b*, 103*b*; Co, 176*a*; CR, 208*a*; Cu, 238*a*, 286*ab*, 289*a*, 292*a*-93*b*; D, 317*a*; Ec, 338*a*, 349*a*; G, 415*a*, 417*b*; Pa, 608*a*, 614*b*, 643*a*-46*a*; Pr, 654*ab*; V, 776*b*

Education: A, 14*b*, 23*a*; Bo, 42*a*, 51*ab*, 55*a*-56*a*; Br, 61*a*, 67*a*, 97*b*-98*b*, 100*a*; Ca, 123*b*-24*a*; Ch, 141*a*, 145*a*, 162*a*; Co, 167*b*, 172*a*, 173*a*, 185*b*, 196*b*; CR, 208*b*, 215*a*; Cu, 237*a*-40*a*, 243*b*, 263*a*, 276*a*, 277*a*, 283*b*, 284*a*; Ec, 329*a*, 348*b*, 350*b*, 354*b*, 355*a*-56*a*; ES, 369*b*, 376*b*, 381*b*, 387*b*; G, 406*b*, 411*a*, 413*b*-15*a*, 428*a*; Ha, 445*b*, 447*b*, 462*b*; Ho, 470*b*, 485*b*, 486*a*, 494*b*; M, 498*a*-99*a*, 507*b*, 514*ab*, 527*ab*, 546*a*, 547*a*, 549*b*, 551*b*; N, 563*b*-64*b*, 574*b*, 584*b*, 597*b*; Pa, 610*a*, 611*a*, 612*b*-13*a*, 615*a*-17*a*, 618*b*, 637*a*, 643*b*, 648*a*; Pr,

Education (*Cont.*)

- 653*b*–54*a*; Pu, 672*b*, 674*b*–75*a*, 687*a*, 688*b*–89*a*, 691*a*; Uy, 718*b*, 720*b*–21*a*, 724*b*, 741*b*; V, 772*a*, 773*ab*, 789*a*
- , freedom of: A, 15*b*, 17*b*; Bo, 33*b*, 55*a*; Br, 97*b*–98*b*; Ch, 141*a*; Co, 171*b*–72*a*; CR, 210*a*; Cu, 237*b*–38*a*; D, 300*a*; Ec, 355*b*; ES, 371*b*; G, 414*a*, 415*a*; Ha, 447*b*, Ho, 475*a*; N, 569*a*; Pa, 615*b*, 616*b*; Pr, 655*a*; Pu, 674*b*; Uy, 720*b*; V, 773*a*
- , university or higher: A, 23*a*; Bo, 41*a*, 52*b*, 55*ab*; Br, 96*b*, 98*b*; CR, 210*a*; Cu, 238*a*–39*a*; Ec, 356*a*; G, 414*ab*; Ho, 482*a*; N, 561*b*, 564*a*; Pa, 616*b*, 635*a*; Pr, 653*b*, 664*b*
- Epidos*: M, 509*ab*, 511*a*
- Elections: Bo, 52*a*, 53*a*, 54*a*; Br, 62*a*, 84*b*–85*a*, 89*a*; Ca, 120*ab*; Ch, 140*a*, 157*a*, 161*b*–62*a*, Co, 172*b*, CR, 210*b*, 220*b*; Cu, 246*b*–48*a*, 256*a*, 269*a*, 280*ab*, 282*b*, 295*ab*; D, 318*b*, 320*a*; Ec, 325*b*–26*b*, 344*a*, 362*a*; ES, 374*a*; G, 399*b*, 404*a*, 440*a*, 441*a*; Ha, 465*a*; Ho, 472*a*, 483*a*; M, 524*b*, 529*a*, 543*ab*; N, 559*ab*, 598*b*; Pa, 619*a*–20*a*, 638*a*–39*a*, 651*a*; Pr, 658*a*; Pu, 675*ab*, 683*b*; US, 709*ab*; Uy, 724*a*, 751*b*–52*a*, 759*a*, 760*a*, 761*a*; V, 778*a*, 780*b*, 788*a*
- , districts for: A, 18*b*; Br, 84*b*; Ca, 112*ab*, 114*ab*, 118*b*–19*b*; Co, 181*b*, 195*a*; ES, 387*a*; Ha, 461*b*; N, 575*ab*, Uy, 727*a*, 735*a*; V, 791*b*
- , of executive: A, 25*a*, 26*a*–27*a*; Bo, 41*b*, 45*b*–46*b*; Br, 76*ab*, 89*ab*; Ch, 149*a*, 152*b*–54*a*; Co, 183*b*, 187*a*–88*a*, 194*b*; CR, 212*a*–13*a*, 218*a*; Cu, 255*b*–56*a*, 259*b*, 262*a*; D, 308*b*–9*a*, 311*b*, 316*a*; Ec, 333*a*, 338*b*–39*a*; ES, 374*a*, 379*a*, 387*a*, 395*b*; G, 420*ab*, 421*b*, 427*a*; Ha, 451*ab*, 457*a*; Ho, 480*a*, 483*b*–84*a*; M, 528*a*, 530*b*, 531*b*; N, 576*b*, 579*b*, 581*a*, 598*a*, 601*b*, 602*b*; Pa, 628*b*, 631*b*, 650*b*; Pu, 658*a*, 660*b*; Pr, 676*a*, 681*b*–82*a*, 683*a*, 694*a*; US, 702*ab*, 708*ab*; Uy, 735*a*–36*b*; V, 800*b*, 801*a*, 815*a*, 816*b*
- , of legislature: A, 18*b*–20*b*; Bo, 41*a*, 42*a*–43*a*; Br, 68*a*, 70*a*–71*b*, 89*b*–90*a*; Ca, 114*a*–15*a*; Ch, 144*b*–45*a*, 146*ab*, 147*b*; Co, 180*a*, 181*ab*, 183*a*, 194*b*–95*a*, 196*a*, 197*b*; CR, 210*b*–11*a*; Cu, 253*a*, 289*b*; D, 302*b*, 303*a*, 304*a*, 315*a*, 316*a*; Ec, 338*b*, 329*a*, 330*a*, 364*b*; ES, 387*a*; G, 420*a*; Ha, 449*b*–50*b*; 461*b*; Ho, 479*b*; M, 518*b*, 519*b*; N, 575*ab*, 598*a*, 603*a*; Pa, 620*b*, 637*b*, 650*b*; Pr, 660*a*, 661*b*; Pu, 675*b*, 676*a*; US, 697*a*, 698*ab*, 710*b*; Uy, 726*a*, 727*a*, 734*ab*; V, 783*b*, 786*a*, 791*b*, 794*b*, 815*a*
- , scrutiny of: A, 23*a*, 26*b*–27*a*; Bo, 41*b*, 46*a*; Br, 84*b*; Ch, 153*a*; CR, 212*a*; Cu,

Elections, scrutiny of (*Cont.*)

- 269*b*; D, 305*b*, 316*a*; Ec, 326*ab*, 338*b*; ES, 376*a*; G, 420*a*, 424*a*, Ho, 480*a*; Pu, 682*a*; Uy, 736*a*, 758*b*; V, 795*b*
- Electoral courts (or equivalent): Br, 62*b*, 76*b*, 79*b*, 83*a*–85*a*, 87*a*; Ch, 144*b*, 153*a*, 157*ab*; Cu, 257*b*, 261*a*, 265*b*, 269*a*–70*a*; Ec, 326*ab*, 328*a*, 330*b*, 338*b*–39*a*, 351*a*, 363*b*; N, 598*a*–99*a*; Pa, 620*a*; Pu, 682*a*; Uy, 722*b*–23*a*, 726*b*, 729*b*, 744*a*, 758*b*–59*a*
- Electoral legislation: A, 19*a*; Bo, 42*b*; Br, 61*a*; Ca, 114*b*–15*a*, 132*b*; Ch, 146*b*, 153*b*–54*a*; Co, 194*b*–95*b*; CR, 210*b*; Cu, 247*a*–48*a*, 253*a*, 259*b*, 269*b*; Ec, 325*b*, 329*a*, 330*a*; ES, 395*b*; G, 404*a*, 419*a*; Ha, 449*b*, 461*b*; Ho, 495*a*; M, 518*b*, 530*b*, 543*ab*; N, 599*a*; Pa, 650*a*; Pr, 661*b*; Uy, 722*a*, 759*a*; V, 792*b*
- Electors, presidential; see Election, of executive
- Emergency, state of: Cu, 293*b*–94*b*; D, 306*a*, 309*b*; N, 573*a*; V, 794*a*
- Emigration; see Immigration and emigration
- Employment; see Unemployment
- , public; see Service, public
- Entails: CR, 205*b*; ES, 368*b*; G, 403*a*; Ho, 475*b*; N, 563*a*; Uy, 715*b*
- Equality before the law: A, 16*a*; Bo, 35*a*, 50*b*; Br, 67*a*, 90*b*; Ch, 140*b*; CR, 206*a*; Cu, 230*b*; Ec, 355*a*; ES, 370*b*; G, 402*a*, 413*a*; Ha, 445*b*; Ho, 472*a*, 476*a*; N, 566*a*; Pa, 608*a*; Pr, 656*b*; Pu, 670*a*; Uy, 715*b*; V, 771*b*
- Espionage: D, 299*b*–300*a*
- Estates; see *Latifundia*
- Executive: Br, 71*ab*, 73*a*, 79*a*, 89*b*, 102*b*; Ca, 110*a*, 111*a*, 121*a*, 124*a*, 127*b*; Ch, 144*a*, 145*b*, 148*ab*, 156*b*; Co, 173*b*, 180*a*, 181*a*, 182*a*, 183*a*; CR, 210*b*, 212*a*, 215*a*, 221*a*; Cu, 251*b*, 253*b*, 257*a*, 268*b*, 291*a*; D, 306*b*, 313*a*; Ec, 328*a*, 330*b*, 333*a*; ES, 376*b*; G, 402*b*, 419*b*, 421*a*, 423*a*, 425*a*; Ho, 486*b*; N, 572*a*, 575*b*; Pa, 623*b*, 625*a*; Pr, 657*b*; Pu, 676*b*; V, 790*a*, 808*a*; see also Vice-president
- , decrees of: A, 17*a*, 20*b*, 23*b*; Bo, 47*a*, 48*b*; Br, 62*b*, 77*a*, 104*a*; Ca, 130*a*; Ch, 154*b*; Co, 184*b*, 185*a*, 186*b*; CR, 220*a*; Cu, 235*b*, 260*a*, 263*a*, 268*a*; D, 309*a*, 311*a*, 319*b*; Ec, 334*a*, 338*a*, 340*b*, 345*a*, 351*a*; ES, 377*b*, 380*a*, 381*b*, 382*a*; G, 422*a*, 427*b*, 429*a*, 439*a*; Ha, 456*b*, 465*a*; Ho, 484*b*; N, 573*a*, 574*a*, 582*a*, 584*a*, 585*b*, 591*b*; Pa, 612*a*, 623*ab*, 625*b*, 630*a*; Pr, 660*a*; Pu, 684*a*; Uy, 737*b*; V, 802*b*, 812*b*
- , of federal unit: A, 17*b*, 21*b*; Br, 62*a*, 64*a*, 66*ab*, 89*ab*, 90*a*; Ca, 110*b*, 117*a*–19*a*,

Executive, of federal unit (*Cont.*)

120ab, 122b, 128a, 129a, 130ab; M, 519a, 524b, 529a, 531a, 541a, 543ab, 545a; US, 705b, 710b; V, 786ab, 787a, 790a, 808a, 816ab

—, and legislation: A, 24a, 27b, 28a; Bo, 42a, 44a-45a, 47a, 48a, 57ab; Br, 71a, 73a-74a, 77a; Ca, 116b-17a; Ch, 150b-52a, 154b, 156a; Co, 179ab, 184ab; CR, 216b-17a, 225a; Cu, 258ab, 260a; D, 305b, 307a-8a; Ec, 334b, 335b-37a, 340b, 344a, 363a; ES, 378ab, 380a, 381b; G, 424a-25a, 427b; Ha, 454b; Ho, 480b, 482a-83a, 484b; M, 518a, 521b-23b; N, 577a-79a, 582a, 601a; Pa, 626b-28a; Pr, 658b, 663b; Pu, 680b-81a, 684a; US, 699b-700a; Uy, 732a-33b, 737b, 759b; V, 796a, 797ab

—, local: Co, 195a, 197ab; CR, 224a; Cu, 252a, 268b, 278a, 282b-83b, 284b-85a; D, 315b; Ec, 341a, 343b, 347b; ES, 381a, 386a, 394b; G, 402b, 420a, 440a; Ha, 461b; Pa, 629a, 636b, 647a; Pu, 687b; Uy, 752a-54b

—, messages of: Bo, 47ab; Br, 78a, 105ab; Ca, 124a; Ch, 150b, 152a, 156b; Co, 182a, 184a, 185b; CR, 213a, 218b, 220a; Cu, 260a, 291a; D, 310b; Ec, 334a, 338a, 341b, 343a, 349a, 350b; ES, 376a, 380ab; G, 422a, 428b, 437a, 439a; Ha, 452ab, 457b; Ho, 477b, 484b; M, 521b, 524a; N, 570a, 581b, 586a; Pa, 629a; Pr, 659a; Pu, 683a, 686a; US, 703b; Uy, 737b; V, 781a, 795b, 803a, 805a

—, powers and functions of: A, 17ab, 20b, 21b, 27a-28b, 29b; Bo, 36b-38a, 39a, 40b, 47a-48a, 53b, 56b; Br, 63a, 65b, 68a, 72b, 75ab, 77a-78a, 80b, 82a, 83b, 87a, 88a, 99a, 103b, 104b, 105a; Ca, 110ab, 112b, 113b, 115b, 116b-17a, 118ab, 124b, 125ab, 127a, 128b, 130b, 135b; Ch, 149ab, 150ab, 154b-56a, 157b, 158ab, 159b, 160b, 161b, 163ab; Co, 175a, 176b, 181b, 184a-86a, 190b, 191b, 194b, 199a, 200a; CR, 211b, 213a, 218b-20a, 222a; Cu, 236a, 250b, 252ab, 255b, 257ab, 259a, 260a-61a, 262b-63b, 265a, 267ab, 270a, 274a, 278a, 287ab, 288ab, 290a; D, 305a, 306a, 307a, 308b-11a, 315b, 317b, 319a; Ec, 326a, 327a, 331a, 333b, 334a, 336b, 340b-44a, 351ab, 352b, 354a, 364a, 365a; ES, 371b, 374b, 379a-82a, 383b, 387ab, 388ab, 389b, 391b; G, 417b, 418a, 422a, 424a, 425b, 427b-28b, 430a, 434a, 436b, 438a, 440a; Ha, 452a, 453b, 456a-57b, 458b, 461b, 462b; Ho, 477a, 478a, 482a, 483b, 484b-86a, 490b; M, 512b, 513b, 518a, 520b, 524a-25b, 526b, 529ab, 530ab, 532b-33b, 535a,

Executive, powers and functions of (*Cont.*)

536b-37a, 542a, 552b; N, 569b-70a, 573b, 574ab, 579b, 580b, 581b-86b, 587b-88a, 593a-94a, 595a-96b, 598a, 599b, 600b-601a, 602a; Pa, 607a, 617b, 614a, 621a, 626a, 628a, 629a-30b, 633a, 643b, 649a, 651b; Pr, 654b, 658a-60a, 661a, 664ab; Pu, 669a, 677a-78a, 680a, 681b, 683b-85a, 692a, 693b; US, 702a, 703ab; Uy, 725a, 734a, 735a, 737a-39a, 741ab, 742a, 743a-44a, 756b, 758a; V, 766a, 777a, 780b-81a, 788b, 793a, 800ab, 801b-5a, 812a, 816a, 817a

—, qualifications of: A, 25a; Bo, 39b, 45b-46a; Br, 76b, 90a; Ch, 152b; Co, 184a; CR, 217b-18a; Cu, 259ab; D, 308b, 318b; Ec, 338b; ES, 379b; G, 426ab; Ha, 456a; Ho, 483b-84a; M, 530b-31a; N, 579b-80a; Pa, 628b; Pr, 658a; Pu, 681b; US, 702b, 709b; Uy, 735b; V, 800b

—, remuneration of: A, 25b; Ca, 125b; Cu, 261b; Ha, 457b; M, 550a; N, 581b; Pa, 630b-31a; Pr, 658ab; Pu, 683b; US, 703a; Uy, 736a

—, resignation of: A, 23a; Bo, 41b; Ch, 148b-49a, 153b; Co, 181a, 187a; CR, 212b, 218a; D, 305b, 308b; Ec, 333a, 339b; ES, 376a; G, 420b; M, 527b, 532a; N, 577a; Pa, 624a, 630b; Pr, 660a; Pu, 679b, 682b; US, 703a; V, 795b

—, responsibility of: Bo, 46b; Br, 78a, 81a; Ch, 146b, 154a; Co, 186b, 188a, 189a; CR, 218a, 220b-21a; Cu, 251b, 261ab, 287b; Ec, 339b, 343b, 344a; ES, 380a, 394a, 395a; G, 429b, 430a; Ho, 486a, 493b-94a; N, 581ab, 586a; Pa, 631a; Pu, 682b, 683ab; Uy, 722b, 731b; V, 805a

—, succession to: A, 20a, 25a; Bo, 47b; Br, 76a; Ch, 152b, 153b-54a; Co, 187a; CR, 212b, 213b, 218a, 220a; Cu, 261b-62a; D, 308b-9a, 311ab; Ec, 339b-40b, 344b; ES, 376a, 379a, 380b, 382a; G, 427a; Ha, 451b, 457a; Ho, 483b-84a, 488a; M, 527b, 530b, 531a-32a; N, 576b, 580b-81a; Pa, 628b, 631ab; Pr, 660a; Pu, 682b-83a, 694a; US, 698a, 703a, 711b; Uy, 735a-37a; V, 801a, 805a

—, term of office of: A, 25ab; Bo, 45b, 57b; Br, 76b; Ch, 152b, 154a; Co, 183b; CR, 218a; Cu, 259b; D, 308b; Ec, 338b, 364a; ES, 379a, 395b; G, 426b; Ha, 456a, 465b; Ho, 484a, 495b; M, 531a; N, 580a, 601b; Pa, 628b, 650b; Pr, 658a, 665b; Pu, 682a, 694b; US, 702a, 711a; Uy, 735b

Exile: Bo, 34b, 37b; Ch, 142b; Cu, 230a, 234a; D, 310ab; Ec, 324a, 362a; ES, 369b; G, 403a; Ho, 471a, 479a; M, 500a, 515a;

Exile (*Cont.*)

N, 558*b*, 567*a*, 571*b*; Pa, 609*b*; Pi, 657*a*;
Pu, 674*a*; Uy, 723*b*; V, 802*b*

Ex post facto legislation: Co, 170*a*; CR, 207*b*;
ES, 370*b*; US, 701*ab*

Expropriation, or confiscation: A, 16*a*; Bo, 35*a*; Br, 61*b*, 91*b*, 93*a*; Ch, 141*b*-42*a*;
Co, 170*a*-71*a*; CR, 205*b*, Cu, 231*b*, 246*a*, 275*b*-76*b*; D, 300*a*; Ec, 357*b*-58*a*; ES, 370*a*; G, 416*ab*; Ha, 446*b*; Ho, 476*ab*; M, 505*b*, 507*a*, 512*ab*; N, 562*a*; Pa, 609*b*, 611*ab*, 618*a*, 640*b*, 641*b*, 644*ab*; Pr, 655*ab*; Pu, 672*a*, 690*b*-91*a*; US, 707*a*; Uy, 717*b*; V, 768*b*, 775*b*, 788*a*

Extortion: Ch, 146*b*, 147*a*; Ec, 345*b*; Uy, 727*a*

Extradition: A, 15*a*; Br, 61*b*, 81*b*, 93*a*; Cu, 233*b*-34*a*; Ec, 362*b*; ES, 369*a*, 383*a*; G, 403*a*; Ha, 448*a*; Ho, 471*a*, 488*a*; M, 501*b*, 545*a*; N, 558*b*, 567*a*, 591*a*; Pa, 608*b*; US, 705*a*

Family: Bo, 51*b*; Br, 93*a*, 95*b*, 97*ab*; Co, 172*b*; CR, 208*ab*; Cu, 230*a*, 236*a*-37*b*, 240*b*, 243*b*, 245*b*; Ec, 354*b*-55*b*, 358*b*; ES, 368*b*-69*a*, 392*b*; G, 409*a*, 410*a*, 411*a*, 413*ab*, 416*b*; Ho, 489*b*, 494*b*; M, 502*a*, 512*b*, 546*a*, 548*b*, 549*a*; N, 559*b*, 563*a*-64*a*, 566*a*; Pa, 612*a*-13*a*; Pr, 655*b*; Pu, 672*b*; Uy, 718*b*-19*a*; V, 772*ab*, 775*a*

Federal district (or equivalent): Br, 60*a*, 65*b*-66*a*, 67*ab*, 70*b*-71*a*, 72*a*, 77*a*, 80*b*, 81*a*, 83*b*, 87*b*, 89*a*, 98*ab*, 100*b*, 103*a*; Cu, 282*a*; Ho, 493*a*; M, 517*b*, 524*ab*, 525*b*, 528*b*, 530*ab*, 532*b*, 534*a*, 552*a*; N, 557*a*, 594*b*, 595*b*; US, 700*b*-701*a*; V, 765*ab*, 780*a*, 782*a*, 788*a*, 790*a*, 792*b*, 804*a*, 812*a*, 815*b*-16*a*

Federal units: A, 25*b*; Br, 61*b*, 67*ab*, 78*a*, 89*a*, 93*b*, 95*a*, 102*b*-3*a*; Ca, 109*ab*; M, 510*b*; US, 708*a*; V, 765*a*, 812*a*

—, admission of: A, 15*b*; Br, 60*ab*; Ca, 109*a*, 131*a*-32*b*, 134*b*; M, 523*b*-24*a*; US, 705*a*; V, 766*a*, 795*b*

—, government of: A, 14*b*, 30*b*-31*a*; Br, 62*a*, 63*a*, 64*a*, 85*b*-86*a*, 87*b*, 89*ab*, 95*a*; Ca, 110*b*, 117*a*-21*a*, 133*a*; M, 517*a*, 523*b*, 542*b*-45*b*; V, 784*b*, 786*a*, 803*b*, 815*b*

—, relations of, with national government: A, 15*a*, 18*a*, 19*a*, 23*b*, 26*a*, 31*ab*; Br, 62*a*-63*a*, 64*a*, 67*a*, 72*b*, 80*b*, 95*a*, 98*ab*, 103*a*; Ca, 110*b*, 117*a*, 124*b*, 126*a*, 133*b*-35*a*; M, 512*a*, 517*a*, 537*a*-38*a*, 545*a*, 550*a*; US, 697*b*-98*a*, 700*b*, 701*ab*, 705*b*, 709*b*; V, 766*a*, 780*a*, 784*a*, 785*a*, 804*b*

—, relations of, with one another: A, 15*ab*, 22*b*, 30*a*, 31*b*; Br, 60*a*, 62*a*, 67*a*, 80*b*;

Federal units, relations of (*Cont.*)

Ca, 127*a*, 132*a*; M, 526*a*, 537*a*, 538*a*, 544*a*, 545*ab*; US, 700*a*, 704*a*-5*a*, 708*a*; V, 765*b*, 784*a*, 785*a*, 803*b*

Finances: A, 14*b*, 22*ab*, 28*a*; Bo, 37*a*, 40*b*, 41*a*, 47*a*, 48*b*-50*b*, 54*b*; Br, 62*a*, 63*ab*, 65*ab*, 72*a*, 73*a*, 74*b*-75*b*, 77*b*, 78*b*, 98*a*, 102*b*-3*b*; Ca, 116*ab*, 122*b*, 125*b*-27*b*, 133*b*-35*a*; Ch, 142*b*, 143*b*-44*a*, 148*b*, 149*ab*, 155*ab*, 156*b*, 160*b*-62*b*; Co, 166*b*-67*a*, 174*a*, 176*b*, 181*b*, 185*b*, 196*b*, 198*a*-200*a*; CR, 214*ab*, 219*a*, 221*b*; Cu, 249*b*-50*b*, 256*ab*, 276*ab*, 277*b*, 284*ab*, 286*a*-89*b*, 290*b*-91*b*; D, 306*b*, 309*a*, 317*a*, 318*b*-19*b*; Ec, 325*b*, 331*ab*, 332*b*-33*a*, 338*a*, 341*ab*, 342*a*, 348*b*-50*b*, 353*ab*, 355*b*; ES, 387*b*-90*b*; G, 422*ab*, 428*a*, 436*a*-39*b*; Ha, 453*b*, 462*a*-64*a*; Ho, 481*ab*, 485*b*, 486*a*, 489*a*-91*b*; M, 520*b*, 527*b*-28*a*, 550*a*; N, 573*b*, 592*b*, 594*b*; Pa, 633*b*, 638*b*-39*b*, 641*a*-43*a*; Pr, 663*a*, 664*ab*; Pu, 668*b*-69*b*, 679*b*, 686*b*; US, 699*b*, 701*ab*; Uy, 724*b*, 743*b*-46*b*, 754*b*-56*a*; V, 783*ab*, 794*b*, 811*a*-13*b*; *see also* Budgets; currency and coinage; Tariff; Taxation

Financial legislation: Bo, 50*a*; Br, 61*a*, 74*b*; Ch, 149*ab*; Co, 185*b*, 197*a*, 198*b*-200*a*; Cu, 287*a*-89*a*; D, 317*b*, 318*b*-19*b*, 320*b*; Ec, 348*b*, 349*b*-50*a*; G, 439*b*; Ha, 463*a*; Ho, 491*a*; M, 550*a*; N, 593*a*, 594*b*; Pu, 699*a*; Uy, 725*b*, 743*b*, 744*b*, 746*ab*; V, 806*b*

Fishing; *see* Resources, natural

Flag; *see* Symbols

Floods; *see* Disasters

Foreign relations: A, 17*b*, 28*a*; Bo, 41*a*, 47*a*; Br, 60*b*, 70*a*, 77*a*, 80*b*, 81*b*; Ch, 155*b*; Co, 177*b*, 186*a*; CR, 219*a*; Cu, 228*a*, 260*a*; D, 309*b*; Ec, 323*b*, 341*a*; ES, 381*a*; G, 404*a*, 428*a*; Ho, 485*b*, 486*ab*; M, 533*a*; N, 556*b*, 584*a*; Pa, 629*b*; Pr, 654*a*, 659*a*; Pu, 684*a*; US, 701*b*; Uy, 737*a*; V, 764*b*, 780*b*-81*b*, 784*a*, 794*a*, 801*b*-2*a*

Foreign troops; *see* Armed forces, foreign

Forests; *see* Resources, natural

Forgery: M, 534*b*

Fraud: CR, 207*b*; Cu, 231*a*; D, 300*b*; Ec, 325*a*; ES, 383*a*; G, 438*a*; Ho, 471*b*, 473*a*; M, 534*b*; N, 559*b*; Pr, 657*b*; V, 767*b*

Government, designation of: A, 18*a*; Ca, 109*b*, 129*b*; Pa, 605*a*

—, form of: A, 14*a*, 17*a*, 18*a*; Bo, 33*a*, 36*b*; Br, 60*a*, 91*b*, 106*a*; Ca, 109*ab*; Ch, 139*a*; Co, 166*a*; CR, 210*b*; Cu, 227*a*, 235*a*, 295*a*; D, 299*a*, 320*a*; Ec, 323*a*; ES, 368*b*, 372*a*; G, 398*a*, 407*b*; Ha, 444*a*, 448*b*; Ho, 477*ab*; M, 517*a*; N, 556*ab*, 558*a*, 568*a*; Pa, 605*a*,

Government, form of (*Cont.*)

620a; Pr, 653a; Pu, 668a; US, 705b; Uy, 721a, 724a; V, 764b, 779a

Governor; *see* Executive of federal unitGovernor-general; *see* ExecutiveGuarantees, constitutional; *see* Rights and privileges

Habeas corpus: Br, 81ab, 82b, 84b-85a, 92ab; Ch, 143a; CR, 207a; Cu, 233ab, 268a; Ec, 360b; Ho, 472b; N, 566b-67a; Pa, 609a; Pr, 656a; Pu, 674a, US, 701a; Uy, 716b; V, 770a, 817b

Harbors; *see* Ports

Health, hygiene, and sanitation: Bo, 50b-51b; Br, 61a, 63b, 95ab, 96a, 101a, 102a; Ca, 122a, 123a; Ch, 140b, 142ab, 162a; Co, 171b; CR, 208b; Cu, 241a, 243b, 244a, 263a, 275b, 276a, 277ab, 283b, 284a, 293b; D, 300b; Ec, 342a, 355a, 359b, 362a; ES, 393ab; G, 403b, 406b, 411ab, 412a, 413b, 428b-29a; Ho, 474a, 477a, 486a, 494b; M, 501a, 502b, 526b, 546a, 547ab, 549b; N, 562b, 563b, 564b, 565a, 567b, 574b, 584b, 585b; Pa, 607a, 608a, 609a, 610b, 617ab, 637a; Pr, 654a, 666a; Pu, 671b, 672ab, 687a, 688b; Uy, 718a-19a, 720b, 742a; V, 770b, 772b, 776b, 789a

Highways; *see* Roads and bridges

Holidays: Br, 95b; Cu, 241b; D, 300a, 311a, 317b-18a; Ec, 359a; ES, 393a; Ha, 364b

Holy See; *see* Church, establishedHomicide; *see* Murder

Honors, awards, and decorations: Bo, 43b; Br, 88b, 92a; Ch, 149b; Co, 174b, 177a, 186a, 194b; CR, 214b-15a; Co, 252b; D, 310b, 319b; Ec, 331b; ES, 377a; G, 423a, 428b; Ho, 480b, 481a; M, 501a, 516a; N, 572b, 574a, 583b, 584a; Pa, 622b; Pr, 658a; Pu, 680a, 691b; US, 701b; Uy, 716a, 725a; V, 779b, 780b, 787b, 792b

Hospitals; *see* Health, hygiene, and sanitation

Housing: Bo, 51a; Br, 65b; CR, 208b; Cu, 243b, 277ab; Ec, 360a; ES, 387b, 392b; G, 411a, 412a, 428b; M, 547a, 549b; N, 565b; Pa, 618a; Uy, 719a, 720a; V, 772b

Hunting; *see* Resources, naturalHymn; *see* Symbols

Immigration and emigration: A, 17ab, 23a, 31a; Br, 61b, 96b; Ca, 124b; Cu, 233b, 243b; D, 300b, 306a; G, 416b, 423b; Ho, 475b; M, 501a, 526b; N, 567a, 585a; Pa, 609a, 614b; Pr, 653b; US, 701a; Uy, 718a; V, 788a

Impeachment: A, 19b, 20ab, 27b, 30b; Bo, 42b, 43a; Br, 71ab, 78a, 80b; Ch, 146b-

Impeachment (*Cont.*)

48a, 154b; Co, 180b-81a, 182a, 188a; CR, 205b, 213b, 217a; Cu, 251b-52a, 253b; D, 303ab, 304a, 312b-13a; Ec, 329b-31a; ES, 376b, 383b, 394a-95a; G, 422ab, 425a; Ha, 460a-61a; Ho, 480b, 483a, 493b-94a; M, 523b, 525b, 528a, 541a-42b; N, 575b, 576ab, 590b; Pa, 623b-24a; Pu, 679a; US, 698ab, 703b, 704ab; Uy, 725b, 727ab, 739ab, 754b; V, 808a, 809b

Incompatibility of offices; *see* Plurality of offices

Indemnification: A, 15b, Bo, 34b, 35a, 51a; Br, 91b-92a, 96a, 101b; Ch, 141b, 143b; Co, 170b, 177ab, 198b; CR, 206a; Cu, 231ab, 273a; D, 300a; Ec, 332b, 357a, 359b; ES, 371a, 373a, 390b, 393a; G, 401b, 406b, 410b, 411a, 416b, 418a; Ha, 446b; Ho, 470b, 476b, 489b; M, 505b, 508b, 511a, 547a, 548a-49a; N, 558b, 561b, 562b, 565a, 568b, 574a; Pa, 611ab, 615a, 625a, 644ab; Pr, 654b, 655b; Pu, 670b, 671b, 672a, 673b, 690b, 693a; US, 707a; Uy, 717b-18a, 756a; V, 768b, 774b, 776a, 804a

Indians, or indigenes: A, 23a; Bo, 56a; Br, 61b, 105b; Ca, 122a; Ec, 355b, 356a, 359b, 360a; G, 412a, 428a; Ho, 495a; Pa, 610a, 618a-19a, 641a; Pu, 687a, 689a, 690b, 691a; US, 697b, 700a, 709a; V, 776b

Industry: A, 15a, 23a, 31a; Bo, 49b; Br, 64b, 66b, 94ab, 96a, 97b-98a, 99b; Ca, 127a; Ch, 162a; Co, 196b; CR, 208a; Cu, 238a, 241b, 243a, 256b, 277b, 292a-93a; Ec, 329a, 356a; G, 412a, 415b, 417b; Ho, 480b, 481b, 494b; M, 499b, 507b, 513a, 549b; N, 574b, 585a; Pa, 622b, 643ab, 645b; Pr, 653b, 661a, 663a; Pu, 669b, 687a; Uy, 721b, 724b; V, 783b

—, freedom of: A, 15b, 16b, 17b; Bo, 33b; Ch, 142ab; Co, 170b; CR, 204b, 205b; Cu, 236b; Ec, 361b; ES, 371b; G, 417a; Ha, 445b, 447a; Ho, 475ab; M, 500a; N, 562a, 564b; Pr, 655a, 656b; Pu, 671b; Uy, 718a; V, 776b

Inheritance: A, 16b; Br, 97b; CR, 204b; Cu, 237ab; Ec, 354b-55a; M, 552a; N, 564a; Pa, 612b; Pr, 656b; Pu, 689a; Uy, 719a

Initiative: Cu, 279ab, 294b-95b; Pr, 638a; Uy, 724a, 759b-60a

Instruction; *see* Education

Insurance: Bo, 50b-51a; Br, 61a, 94a, 96a; Ca, 121b; CR, 209ab; Cu, 237b, 241a, 256b, 286a; Ec, 353a; ES, 393b; G, 411b; M, 527b; N, 565b; Pu, 672a; Uy, 720b

—, social; *see* Social securityInsurrection; *see* Rebellion

Interest, public or social; *see* Welfare, public and social

International law and practice: A, 30*b*; Co, 186*a*, 192*a*; Cu, 227*b*, 228*a*; Ec, 323*b*, 332*a*, 352*b*; Ho, 388*b*; N, 556*b*, 590*b*-91*a*; Pa, 605*b*; US, 700*b*; Uy, 747*b*; V, 764*b*, 770*b*, 781*a*, 802*b*, 804*a*

Intervention in federal units or local government: A, 14*b*-15*a*; Br, 61*b*-63*a*, 65*b*, 72*b*, 77*b*; Cu, 278*a*, 284*b*; M, 545*b*; N, 596*ab*; V, 803*b*-4*a*; *see also* Federal units, relations of, with national government

Invasion: A, 15*a*, 17*a*, 20*b*, 23*b*, 28*b*, 31*a*; Br, 62*a*, Ch, 156*a*; Cu, 235*b*, 261*a*; Ec, 342*ab*; ES, 376*b*, 381*b*; G, 408*a*, 416*a*, 428*b*, 434*a*; Ha, 465*a*; Ho, 477*a*, 485*ab*; M, 513*b*, 544*b*, 545*b*; N, 583*a*; US, 700*b*, 701*a*, 702*a*, 705*b*

Invention: A, 16*a*; Co, 48*a*; Br, 92*a*; Ca, 122*a*, Ch, 142*a*; Cu, 170*b*, 186*a*; CR, 215*a*; Cu, 245*b*; D, 300*b*; Ec, 361*b*; ES, 371*b*, 377*a*; G, 417*a*; Ho, 476*b*, 480*b*; M, 513*a*, 533*a*; N, 562*b*, 574*b*, 584*b*; Pa, 611*b*, 630*a*; Pr, 654*a*, 655*b*; Pu, 670*b*; US, 700*a*; Uy, 717*b*; V, 775*b*

Irrigation: G, 423*b*; M, 511*b*; Pa, 640*a*

Jails; *see* Prisons

Journalism; *see* Press and publication

Judges and magistrates: A, 16*ab*, 18*a*, 27*b*; Bo, 34*ab*, 37*a*, 52*a*-53*b*; Br, 65*b*, 71*b*, 79*b*, 80*b*-81*a*, 82*a*, 86*ab*, 89*ab*, 92*ab*, 101*a*, 102*b*, 103*a*; Ca, 124*b*, 125*a*; Ch, 143*a*, 145*a*, 147*a*, 155*a*, 157*b*-58*b*; Co, 180*a*, 190*a*, 192*b*-93*b*, 195*a*; CR, 222*b*-23*b*; Cu, 265*b*; D, 303*a*, 309*b*, 313*a*-14*b*; Ec, 328*a*, 333*b*, 344*a*, 346*b*-47*a*, 352*a*, 365*a*; ES, 370*b*, 376*a*, 384*a*-85*b*, 394*b*; G, 402*b*, 420*b*; Ha, 466*a*; Ho, 478*b*, 488*b*; M, 519*a*, 524*b*-25*b*, 528*b*, 530*b*, 533*b*, 535*ab*, 542*a*, 552*b*; N, 575*b*, 576*b*-77*a*, 580*a*, 588*b*, 590*b*, 592*a*; Pa, 634*a*, 635*ab*; Pu, 676*b*, 681*b*, 685*b*, 692*a*; US, 706*a*; Uy, 722*a*, 726*b*, 748*a*-49*b*; V, 817*ab*

—, remuneration of: A, 29*b*; Br, 65*b*-66*a*, 79*b*, 82*b*, 86*b*; Ca, 125*a*; Co, 193*b*; Cu, 268*a*, 270*a*, 273*b*; G, 433*ab*, 434*b*-35*a*; M, 525*b*, 534*ab*, 550*a*; N, 591*b*; Pa, 635*ab*; US, 704*a*; Uy, 747*b*, 749*b*

—, term of office of: A, 29*b*; Br, 79*b*, 82*b*, 84*a*, 86*a*, 87*a*; Ca, 125*a*; Ch, 158*b*; Co, 192*b*-93*a*; Ec, 346*b*, 365*a*; ES, 384*b*, 385*a*; G, 433*a*; Ha, 458*b*; Ho, 487*b*; N, 589*b*; Pr, 664*a*; US, 704*a*; Uy, 747*b*, 749*a*, 750*a*

Judicial review; *see* Constitution, interpretation of

Judiciary: A, 29*b*-30*b*; Bo, 52*a*-53*b*; Br, 62*a*, 78*a*, 90*b*, 103*b*, 105*b*; Ch, 154*b*; Co, 170*b*; D, 312*a*; ES, 382*a*; G, 433*a*; Ho, 485*a*, 487*a*; M, 533*a*, 534*a*; N, 582*b*, 588*a*-90*a*; Pa, 633*b*; Pr, 663*b*, 664*b*; Pu, 684*a*, 691*b*-92*a*; US, 708*a*; Uy, 730*a*, 744*a*, 747*a*; V, 806*b*-7*a*, 817*a*; *see also* Courts; Justice, administration of; Supreme court

Juridical persons; *see* Corporations

Juries: A, 17*a*, 22*b*, 30*b*; Br, 92*b*; Ch, 148*a*; Cu, 274*ab*; ES, 371*a*, 385*b*; G, 405*a*; Ha, 447*b*, 459*a*; M, 499*b*, 503*b*, 515*b*, 552*a*; N, 561*a*; Pa, 635*b*; US, 704*b*, 707*ab*; Uy, 716*a*

Jurisdiction, or competence, questions of: Bo, 42*a*, 53*a*; Br, 72*b*, 81*a*; Ch, 148*b*; Co, 200*b*; Cu, 233*a*, 266*ab*, 289*b*; ES, 383*a*, 385*ab*; G, 434*ab*, 438*b*; Ha, 459*b*; M, 529*a*, 538*a*, 549*b*; N, 590*b*; Pr, 665*a*; Pu, 680*a*, 684*a*, 685*b*; Uy, 757*b*; V, 808*b*

Justice, administration of: A, 14*b*, 15*a*, 16*ab*, 17*a*, 20*b*, 29*b*-30*b*, 31*a*; Bo, 33*b*-35*b*, 47*b*, 52*a*-53*a*; Br, 62*a*, 71*b*, 78*b*, 80*a*-82*a*, 85*b*-87*a*, 92*a*, 93*ab*, 101*b*, 103*a*; Ca, 122*a*, 123*b*; Ch, 141*b*, 142*b*-43*b*, 146*b*-48*a*, 157*b*-59*a*; Co, 169*a*-70*a*, 173*b*, 180*b*, 184*b*, 192*a*-94*a*, 197*b*; CR, 207*ab*, 222*ab*; Cu, 230*b*, 232*a*-33*b*, 257*b*, 265*b*-68*b*, 279*ab*; D, 300*b*-301*a*, 319*b*; Ec, 332*a*, 341*b*, 343*a*, 346*a*, 347*a*, 355*a*, 360*ab*; ES, 370*ab*, 376*b*, 382*b*-83*a*, 384*b*-85*b*, 392*a*; G, 401*a*, 405*b*-8*a*, 427*b*, 433*a*-36*a*; Ha, 446*ab*, 458*b*-60*a*; Ho, 470*b*-71*a*, 472*b*, 486*a*, 487*b*-88*b*; M, 502*b*-5*a*, 516*b*, 535*b*, 537*a*-40*b*, 545*a*; N, 561*a*, 566*a*-67*b*, 583*a*, 591*b*-92*a*; Pa, 608*b*-9*b*, 635*b*; Pr, 655*b*-56*b*, 664*a*-65*a*; US, 698*b*, 707*ab*; Uy, 716*b*-17*a*, 724*a*, 748*b*; V, 787*b*, 807*a*, 808*a*-9*a*, 810*a*; *see also* Courts; Crime; Judges and magistrates; Prisons; Procedural rights

Justices of the peace: Br, 86*b*; D, 309*b*; ES, 385*b*, 394*b*; Ha, 458*b*, 462*a*; Ho, 487*a*, 488*b*; Pu, 692*a*; Uy, 748*ab*, 749*b*-50*a*, 751*a*

King; *see* Sovereign

Labor; *see under* Work

—, organization of: Br, 94*a*, 96*ab*; CR, 208*b*; Cu, 242*ab*; Ec, 329*a*, 358*b*-59*a*; ES, 393*a*; G, 408*b*, 410*a*, 411*b*; Ha, 447*a*, 448*a*; M, 500*a*, 513*a*, 547*b*-48*a*; N, 568*a*, 585*a*; Pa, 614*a*; Pu, 671*b*, 687*b*; Uy, 720*a*; V, 771*b*, 774*b*

Labor law: Br, 61*a*, 85*b*, 95*b*-96*b*; Co, 194*a*; CR, 208*ab*; Cu, 242*a*; ES, 392*b*; M, 545*b*, 549*b*; Pa, 650*a*; Pu, 672*a*; V, 774*a*

- Lands: Br, 66b, 67b; Ca, 127b; Co, 198b, Cu, 292ab; Pa, 639b-40b; V, 776a, 788a, 809a
- , alienation or sale of: A, 14b, 22a; Bo, 41a, 49b; Br, 95ab, 99b, 105b; Ca, 123a; Co, 177a; Cu, 245ab; Ec, 356a; ES, 387b; Ho, 490a; M, 509a-10a, 527a; Pa, 622b; Pu, 671a, 691a; V, 776a, 783a, 788b, 794b, 804b; *see also* Latifundia; Subsoil
- , colonization of: A, 23a, 31a; Bo, 56a; Br, 95a, 96b-97a; Co, 196b; G, 423b; Ho, 475b; M, 505b, 508a-10b, 526b; N, 573b, 584b; V, 788a
- , ownership of: Bo, 35a, 49b; Br, 64b, 94b; Ca, 126a; Cu, 245a, 246a; Ec, 358a, 360a; ES, 392b; G, 416a, 417a; M, 505a-12b; N, 563a, 592b; Pa, 618ab, 644b; Pr, 655b, 656b; Pu, 671a, 672a; US, 704a; V, 775b, 783b-84a; *see also* Latifundia
- Language: Ca, 128b; Co, 171a; Cu, 228a, 229a; Ec, 323b; ES, 390a, G, 398a; Ha, 448a; N, 556b; Pa, 605b, 606ab, 616a
- Latifundia: Ch, 142a; Cu, 245ab; G, 414b, 416a; M, 505b
- Law; *see* subject-entry headings under specific kinds of law and codes
- Laws; *see under* Legislation
- Legislation, execution of: A, 27a; Bo, 45a, 47a, 52b; Br, 63a, 72a, 76b, 77a, 79a; Ca, 124a, 125a, 128ab, 130a, 133a; Ch, 146b, 154ab; Co, 185a, 190a; CR, 216b, 219a, 220ab; Cu, 259b, 260a, 263a, 270a, 283a; D, 308a, 309a; Ec, 340b; ES, 371b, 380a, 381b; G, 427b, 435b; Ha, 456b; Ho, 484b; M, 532b; N, 583b, 588a, 602a; Pa, 629a; Pr, 658b; US, 703b, 706a; Uy, 737b, 740b; V, 801b
- , power of: A, 18b, 23b-24a; Bo, 39a, 40a, 42a; Br, 68a, 72a-73a, 78a; Ca, 121b, 124a, 128a; Ch, 149a-50a; Co, 175b, 176a, 198a; CR, 214a, 216b; Cu, 256a; D, 307a; Ec, 326b, 332b, 334a, 363b; ES, 374a, 376b, 378a; G, 418a, 422a, 424a; Ha, 449a, 453a; Ho, 478a, 481b, 482a; M, 518b, 521b; N, 569b, 572b; Pa, 622a, 626a; Pr, 663a; Pu, 679a; US, 698a; Uy, 724a; V, 798a
- , procedure of adopting: A, 18b, 24ab, 27b; Bo, 42a, 44a-45b, 57ab; Br, 68b, 69a, 73a-74b, 77a; Ca, 116a-17a, 119b, 121a; Ch, 149a, 150b-52a; Co, 177b-79b, 184ab, 188b, 190a, 197b; CR, 216b-17a; Cu, 254b-55a, 257b-58b, 264a; D, 307a-8a; Ec, 334a-37b, 362b-63a; ES, 378a-79a, 383a; G, 424a-25a, 427b; Ha, 453ab, 454a-55a, 464b-65a; Ho, 482a-83b; M, 521b-23b; N, 577a-79b, 582b, 591a, 600b-100b; Pu, 626a-28a; Pi, 660a, 663b; Pu, 680b-81a; US, 699b-700a; Uy, 732a-33b; V, 796a-98a, 799a
- , retroactivity of: Br, 92b, CR, 206a; Cu, 231ab, D, 308a; Ec, 337a; ES, 370b; G, 407a; Ha, 446b, 466a; Ho, 474b; M, 501b; N, 561a, 585b; Pa, 611a, Pr, 655b; Pu, 670b; V, 798a
- Legislature, adjournment of: A, 21a; Bo, 39b; Ch, 152b; Co, 175a; CR, 212a, 216a; Cu, 254b, D, 311b; Ha, 452b; M, 521a; N, 569b; US, 699a, 700a, 703b; V, 793b
- , committees, or commissions, of: Bo, 45b, 50a, 53b; Br, 68b, 70ab, 71a, 73a; Ch, 151b; Co, 175b, 177b-78b, 179b, 180b, 182b, CR, 212a, 225a; Cu, 252b, 255a, 273b, 274a, 294ab; Ec, 333b, 334a-35a, 337ab, 349ab; ES, 374b, 376a, 395b; G, 418a-19a, 421b, 425ab; Ha, 453ab; Ho, 482a; M, 513b, 516a, 521ab, 523a, 525a, 529a-30b, 531b-32a, 533ab, 536b, 542a; N, 571b, 572b, 577b-78a; Pa, 612a, 621a, 623ab, 624b, 625b-27a, 629a, 630b, 633a, 642a, 651b; Pu, 678b, 686b; Uy, 717b, 730a, 731a-32a, 737b-38b, 740b, 748ab; V, 777b, 781ab, 791a, 793a, 794a, 796a, 798a-99b, 801b, 802b-3a, 806ab, 812b, 814b-15a
- , control by, over executive branch: Cu, 263b-65a, 294b; D, 306b; Ec, 345b; G, 430b; Pa, 624b; Pu, 686a; Uy, 733b-34b; V, 792a
- , discipline in: A, 21ab; Bo, 41b; Br, 68b-69b, 71b, 105a; Ch, 146a; Co, 175b, 182ab; CR, 211ab, 216a; Cu, 254ab, 255a; D, 304b, 305a; Ec, 327ab, 336b; ES, 375ab, 394ab; G, 418b-19a, 421a, 424a; Ha, 453b-54a; M, 527a; N, 572b; Pa, 626a; Pr, 662ab; Pu, 677b; US, 698b-99a; Uy, 729ab; V, 791a
- , of federal units: A, 15b, 19b, 31a; Br, 73b, 90a, 105b; Ca, 110b, 118b-21b, 122b-23b, 124b, 125b, 127b, 128b; M, 521b, 523b-24a, 541a, 543b-44b, 553a; US, 698ab, 702a, 705b; V, 766a, 786ab, 814ab, 815a-16a
- , local: Bo, 54a; Ch, 160b-62b; Co, 196a-97a; Cu, 252a, 282b-84b; Ec, 347b, 363a; Ha, 462a, 466a; Ho, 493a; M, 513b, 528a, 542b; Pa, 637b; Pu, 688a-90a; Uy, 751b-53b, 754b; V, 782a
- , organization of: A, 18b; Bo, 39a, 40a, 41b; Br, 68ab; Ca, 111a, 132a; Ch, 144b; Co, 173b, 175b, 176a, 182a; CR, 211a, 215b-16a, 217a; Cu, 251ab, 255a, 256a; D, 302b, 304a, 305a; Ec, 326b, 327a-28a,

Legislature, organization of (*Cont.*)

- 334*a*, 364*ab*; ES, 374*b*, 375*b*; G, 419*a*, 423*b*-24*a*, Ha, 449*ab*, 451*a*, 453*b*; Ho, 478*b*, 480*a*, 483*a*; M, 518*b*, 527*a*, 529*b*; N, 569*b*-70*b*, 576*b*, 602*b*-3*a*; Pa, 620*b*, 624*a*, 650*a*; Pr, 661*b*, 662*b*; Pu, 675*b*, 678*ab*; US, 697*a*, 698*b*, Uy, 724*a*, 728*a*-29*a*; V, 789*b*, 793*b*, 795*ab*, 796*a*; *see also* Popular chamber, organization of; Second chamber, organization of
- , powers and duties of: A, 15*ab*, 16*a*, 17*ab*, 18*a*, 19*a*, 20*b*-24*b*, 26*b*, 28*b*, 30*ab*; Bo, 35*b*, 36*b*, 38*a*, 40*a*-42*a*, 45*a*-46*a*, 47*a*, 50*a*, 56*a*, 57*a*; Br, 60*a*-61*b*, 62*b*, 65*a*, 72*a*-73*a*, 76*a*, 77*a*, 105*a*; Ca, 110*b*, 111*ab*, 121*a*-22*a*, 124*b*, 125*b*, 127*a*, 131*b*-33*a*, 136*a*; Ch, 144*a*, 148*b*-50*a*, 152*a*, 153*a*, 154*a*, 156*a*, 157*b*, 163*ab*, Co, 166*b*, 170*ab*, 172*a*, 173*a*, 175*a*, 176*a*-77*b*, 182*a*-83*b*, 186*a*, 187*a*, 188*b*, 191*b*, 199*a*, 200*a*, 201*a*; CR, 205*ab*, 206*a*, 211*b*, 212*a*-15*a*, 218*a*, 219*ab*, 221*b*, 223*ab*, 224*a*-25*b*; Cu, 235*b*, 240*a*, 246*a*, 248*a*, 250*ab*, 254*ab*, 255*b*-57*b*, 261*a*, 263*b*-65*a*, 275*a*, 282*b*, 285*b*, 286*b*-87*b*, 288*b*, 293*b*-94*b*, 295*a*; D, 302*b*, 305*a*-7*a*, 308*b*-10*a*, 311*ab*, 319*ab*, 320*a*; Ec, 324*b*, 326*a*, 331*a*-34*a*, 338*b*-39*b*, 341*a*, 342*a*, 343*b*, 344*a*, 346*b*, 349*a*-51*b*, 352*b*, 353*a*, 362*b*-65*a*; ES, 375*b*-77*b*, 379*b*, 381*a*, 382*a*, 384*b*, 385*b*, 388*b*-90*a*, 391*a*, 394*a*-96*a*; G, 417*b*, 420*a*-24*a*, 429*a*, 431*a*, 432*b*, 433*b*, 434*a*, 436*a*, 437*a*, 438*a*, 441*a*; Ha, 451*a*, 452*a*, 454*a*, 456*b*-57*a*, 463*a*, 465*a*-66*a*; Ho, 470*a*, 476*b*, 477*a*, 479*b*-82*a*, 483*a*, 485*b*, 487*a*, 490*b*, 493*b*, 495*a*; M, 499*a*, 512*a*, 513*b*, 516*a*, 520*b*-21*a*, 523*b*-28*a*, 531*a*-32*a*, 533*a*, 542*a*, 544*ab*, 544*ab*, 544*ab*-53*a*; N, 572*b*-75*a*, 576*b*-77*a*, 580*b*-81*a*, 582*a*, 584*a*, 588*b*-89*a*, 593*b*, 595*a*; Pa, 607*b*, 612*a*, 622*a*-25*b*, 630*b*, 636*b*, 639*b*, 642*b*, 643*b*, 649*b*, 650*b*-51*a*; Pr, 657*b*-58*a*, 659*a*-60*a*, 662*a*-63*a*, 664*a*, 665*b*; Pu, 678*a*-80*b*, 682*a*, 683*a*, 690*a*, 692*a*, 693*b*; US, 698*b*, 700*a*-701*a*, 702*b*, 703*b*, 704*ab*, 705*b*, 709*a*-11*b*; Uy, 717*b*, 721*b*, 724*a*-26*a*, 730*a*, 735*b*-36*b*, 738*b*-39*b*, 740*a*, 744*a*, 745*b*, 747*a*, 754*a*, 755*ab*, 758*ab*, 759*b*-61*a*; V, 766*a*, 777*b*, 781*ab*, 783*b*, 789*b*, 791*a*, 793*b*-96*a*, 802*a*-3*a*, 806*b*, 807*b*, 810*ab*, 812*b*, 813*b*-14*a*
- , privileges and immunities of members of: A, 21*ab*; Bo, 39*b*-40*a*; Br, 68*b*-69*a*, 105*a*; Ca, 111*a*; Ch, 146*a*, 156*a*; Co, 182*ab*; CR, 211*a*; Cu, 254*ab*, 294*b*; D, 304*b*-5*a*; Ec, 327*b*; ES, 375*a*; G, 418*b*-19*a*; Ha, 453*b*-54*a*; Ho, 479*ab*; M, 519*b*; N, 571*ab*; Pa, 621*a*-22*b*; Pr, 662*b*; Pu, 677*a*; US, 699*a*;

Legislature, privileges of (*Cont.*)

- Uy, 729*ab*; V, 790*b*-91*a*, 799*a*
- , quorum in: A, 27*a*; Bo, 39*b*; Br, 68*b*; Ca, 113*b*, 115*b*, 119*ab*, 121*a*; Ch, 152*a*, 153*a*, 163*a*; Co, 175*a*, 178*b*; CR, 212*a*, 215*b*; Cu, 254*b*; D, 304*ab*, Ec, 327*ab*, 334*a*, 364*a*; ES, 374*b*; G, 418*b*, 420*b*; Ha, 452*a*, 454*a*, 455*a*, 465*b*, Ho, 478*b*, M, 520*a*, 531*a*; N, 570*a*; Pr, 662*a*; Pu, 678*a*; US, 698*b*, 702*b*, 708*b*; Uy, 729*a*; V, 793*b*
- , remuneration of members of: A, 21*b*; Br, 69*a*, 73*a*; Ch, 149*b*; Co, 183*b*; Cu, 254*a*; Ha, 455*b*; M, 520*b*, 550*a*; N, 571*b*; Pa, 621*b*; Pr, 662*b*; US, 699*a*; Uy, 731*a*, V, 791*ab*
- , replacement of members of: Br, 70*a*, 71*b*; Ca, 113*b*, Ch, 145*b*-46*a*; Co, 180*a*, 181*b*; CR, 216*a*; D, 302*b*; G, 424*a*, 425*b*, Ha, 449*b*, 450*b*; Ho, 478*b*, 480*a*, 485*a*; M, 520*ab*, 529*b*; N, 570*a*, 572*b*, 582*a*; Pa, 620*b*; Pr, 661*b*-62*a*; Pu, 676*a*; US, 697*b*-98*a*; Uy, 728*b*-29*a*, 730*a*-31*a*, 737*b*; V, 791*b*
- , resignations and removals from: A, 21*a*; Bo, 39*b*, 40*a*; Ca, 113*a*; Ch, 144*b*, 145*b*; CR, 212*b*, 215*b*, 217*a*; Cu, 255*a*; Ec, 328*a*; ES, 375*b*; G, 419*a*; Ha, 450*ab*; Ho, 480*a*, N, 571*a*, 572*b*; Pr, 662*a*; Pu, 676*a*; US, 698*a*; Uy, 729*b*; V, 794*a*
- , sessions of: A, 20*b*-21*a*, 28*a*, 29*a*; Bo, 36*b*-37*a*, 39*ab*, 40*a*, 41*b*, 47*a*, 48*a*; Br, 62*b*, 68*ab*, 69*b*, 78*a*, 104*b*, 105*ab*; Ca, 111*b*, 114*a*, 120*b*, 129*b*; Ch, 150*a*, 152*ab*, 154*b*, 157*a*; Co, 172*b*, 175*ab*, 182*b*, 184*a*, 186*b*; CR, 211*b*, 212*a*, 213*a*, 214*a*, 215*b*-16*a*, 217*a*, 219*a*, 220*b*; Cu, 235*b*, 254*b*, 255*b*, 260*a*, 261*a*, 294*a*; D, 304*b*, 305*a*, 306*a*, 308*b*; Ec, 326*b*-27*b*, 334*a*, 340*ab*, 351*b*, 363*b*-64*a*; ES, 374*b*, 376*a*, 377*b*, 380*b*, 381*a*; G, 418*ab*, 420*a*, 425*b*, 427*b*, 429*a*; Ha, 451*a*-53*a*, 457*a*, 464*a*; Ho, 478*ab*, 479*b*, 483*a*, 485*a*; M, 513*b*, 530*b*-21*a*, 523*b*, 530*a*, 531*b*, 533*a*; N, 569*b*, 571*b*, 572*b*, 576*b*, 582*ab*, 586*ab*; Pa, 612*a*, 620*b*-21*a*, 629*a*, 631*a*, 650*ab*; Pr, 659*a*, 660*b*, 662*a*; Pu, 677*b*-79*a*, 683*ab*; US, 698*b*, 703*b*, 711*a*; Uy, 728*a*, 729*a*, 731*b*, 734*a*, 737*b*; V, 793*ab*, 795*a*, 799*a*, 801*a*-2*b*, 815*a*
- Letters rogatory: Br, 82*a*
- Liberty, right to: Br, 90*b*, 92*a*, 105*a*; CR, 206*a*; Cu, 228*b*; D, 300*b*-301*a*, 304*b*; Ec, 343*a*, 354*b*, 360*b*-61*a*; ES, 369*ab*, 370*a*-71*a*; G, 402*a*, 406*b*-7*b*; Ha, 444*b*, 446*a*; Ho, 472*a*; M, 500*a*, 501*b*; N, 566*ab*, 571*b*;

Liberty, right to (*Cont.*)

Pa, 608*b*; US, 707*a*, 709*a*; Uy, 715*b*, 717*a*, 719*b*; V, 769*a*-70*a*

Libraries: Co, 276*a*, 277*a*; G, 414*b*; M, 527*a*; Uy, 721*a*

Licenses: Br, 66*b*; Ca, 123*a*; M, 499*b*; N, 564*a*; V, 783*a*

Lieutenant-governor; *see* Executive, of federal unit

Life, right to: Br, 90*b*; CR, 207*b*; D, 299*b*; Ec, 360*a*; ES, 369*a*, 370*a*, 393*b*; G, 402*a*; Ha, 444*b*, Ho, 472*a*; M, 501*b*; N, 560*a*, 585*b*; Pa, 608*a*; Pu, 672*a*; US, 707*a*, 709*a*; Uy, 715*b*; V, 769*a*

Liquors and drugs: Co, 171*b*; Ec, 360*a*; G, 411*a*; Ha, 475*a*, 486*b*; M, 516*b*, 528*b*, 544*b*, 547*a*; US, 710*b*, 712*a*; V, 783*a*, 788*b*

Literacy: Bo, 38*b*; Br, 88*a*; Cu, 238*a*, 295*a*; Ec, 325*a*; G, 399*b*-400*a*, 414*b*, 428*a*; Ho, 471*b*; N, 559*a*, 584*b*; Pa, 617*a*; Pu, 675*a*; V, 778*b*, 783*a*

Livestock; *see* Agriculture

Loans: A, 14*b*, 22*a*; Bo, 37*ab*, 40*b*, 41*a*, 54*b*, 55*b*; Br, 65*b*, 67*b*, 72*a*, 102*b*; Ca, 121*b*; Ch, 149*a*; Co, 176*a*; CR, 205*a*, 214*b*; Cu, 256*b*, 276*b*, 279*a*, 284*a*, 286*ab*; D, 306*b*, 310*a*; Ec, 331*a*, 342*a*, 348*b*; ES, 376*b*, 393*a*; G, 422*a*; Ho, 481*b*, 485*b*; M, 523*a*, 525*b*, 544*b*; N, 573*ab*, 574*b*, 584*b*, 592*b*-93*b*; Pa, 622*b*, 639*b*; Pr, 653*b*, 663*a*; Pu, 669*b*, 679*b*, 690*a*; US, 700*a*; Uy, 755*b*; V, 784*b*, 785*b*, 794*b*, 802*a*, 812*b*

Local government: Bo, 53*a*; Br, 89*b*, 90*a*; Ch, 145*a*, 147*a*, 148*a*; Cu, 250*b*, 251*a*, 293*a*; D, 299*b*; Ec, 349*a*; Pa, 622*b*

—, organization of: Bo, 40*b*, 49*a*, 53*b*-54*b*; Br, 62*a*-63*a*; Ca, 130*b*; Ch, 154*b*, 159*a*-63*a*; Co, 166*b*-67*b*, 174*ab*, 176*a*, 184*b*, 185*a*, 195*b*-98*b*, 199*a*; CR, 220*a*, 223*b*-24*a*; Cu, 227*b*, 237*b*, 282*b*-85*a*; D, 305*b*-6*a*, 311*a*, 315*b*; Ec, 332*a*, 347*b*-48*b*; ES, 386*a*; G, 440*a*; Ha, 444*ab*, 461*b*-62*a*; Ho, 492*b*; N, 557*a*, 596*a*; Pa, 636*b*; Pu, 687*b*-90*a*; Uy, 751*b*-56*b*; *see also* Municipality

Lockout; *see* Strike and lockout

Lottery: Ha, 463*a*

Magistrates; *see* Judges and magistrates

Manufacturing; *see* Industry

Markets: M, 547*a*; N, 560*b*; Pa, 618*b*

Marque and reprisal, letters of: A, 23*b*, 28*b*; CR, 220*a*; Ho, 485*a*; M, 526*a*, 533*a*, 544*a*; US, 700*b*, 701*b*

Marriage; *see* Matrimony

Martial law; *see* Siege, state of

Maternity: Bo, 51*ab*; Br, 96*a*, 97*a*; CR, 208*a*, 209*a*; Cu, 236*a*, 242*a*, 256*b*; Ec, 354*b*, 359*a*; ES, 368*b*, 392*b*, G, 410*a*, 413*a*; Ho, 494*b*; M, 546*a*; N, 563*b*, 565*a*; Pa, 612*a*-13*a*, 614*b*, 617*b*; Pu, 672*b*; Uy, 718*b*; V, 772*a*, 775*a*

Matrimony: A, 16*b*; Bo, 51*b*; Br, 86*b*, 93*b*, 97*a*; Ca, 122*a*, 123*b*; CR, 204*b*, 220*a*; Cu, 229*b*, 236*a*-37*a*; Ec, 324*b*, 354*b*; ES, 392*b*; G, 413*a*; Ho, 470*a*, 471*a*; M, 515*a*, 550*b*; N, 558*a*, 563*b*; Pa, 612*ab*; Pr, 657*a*; Pu, 672*b*; V, 767*ab*

Mayor; *see* Local government

Measures; *see* Weights and measures

Militia; *see* Armed forces

Minerals; *see* Resources, natural

Mining law and code: A, 23*b*, 31*a*; M, 526*a*; N, 591*a*

Ministers, diplomatic; *see* Diplomatic and consular service

—, appointment and removal of: A, 27*b*; Bo, 42*b*, 48*b*; Br, 77*a*; Ch, 154*b*; Co, 185*a*; CR, 211*b*, 218*b*, 221*a*; Cu, 254*a*, 261*a*, 263*b*; D, 309*a*; Ec, 341*a*, 345*ab*; ES, 379*b*, 380*b*, 381*a*; G, 428*a*, 430*a*; Ha, 456*b*, 457*b*; Ho, 484*b*; M, 532*b*; N, 584*a*; Pa, 629*a*; Pr, 659*a*; Pu, 684*a*, 685*a*, 686*a*; Uy, 734*a*, 739*b*-40*a*; V, 790*b*, 804*a*

—, executive: Bo, 39*b*, 45*b*; Br, 70*a*, 71*ab*, 80*b*, 82*a*, 86*b*, 89*a*, 102*b*; Ch, 145*ab*, 146*a*-48*a*; Co, 180*a*, 182*a*, 183*a*, 188*a*-89*a*; CR, 215*a*, 218*a*; Cu, 248*b*, 253*b*, 262*a*-63*b*, 273*b*, 290*b*; D, 313*a*; Ec, 328*a*, 330*b*, 339*b*; ES, 375*a*; G, 402*b*, 421*a*, 426*ab*; Ha, 455*b*; Ho, 478*b*, 480*b*, 484*a*; M, 519*a*, 531*a*, 533*b*; N, 572*a*, 575*b*, 580*ab*, 583*a*; Pa, 621*a*, 632*ab*; Pr, 657*b*; Pu, 677*a*, 685*a*; Uy, 730*b*; V, 790*a*, 808*a*

—, interpellation, or examination, of: A, 21*b*; Bo, 45*b*; Br, 70*b*, 79*a*; Co, 182*ab*; Cu, 252*b*-53*a*, 257*a*, 260*a*, 263*b*; D, 306*b*; Ec, 346*a*; ES, 380*a*; G, 430*ab*; Ha, 455*b*; Ho, 486*b*; M, 534*a*; N, 582*a*, 587*a*; Pa, 624*b*; Pu, 679*a*, 686*a*; Uy, 729*b*-30*a*; V, 794*a*, 806*b*

—, powers and functions of: A, 29*a*; Bo, 36*b*, 44*ab*, 47*ab*, 48*b*-49*a*, 56*b*; Br, 78*b*-79*a*, 99*a*; Ch, 144*a*, 153*b*, 155*a*, 156*b*-57*a*; Co, 170*a*, 173*b*, 175*a*, 177*b*-78*b*, 184*ab*, 186*ab*, 187*a*, 188*b*, 189*a*, 200*a*; CR, 213*b*, 216*b*, 219*a*, 221*b*-22*a*; Cu, 239*a*, 240*a*, 243*a*, 244*a*, 250*b*, 252*a*, 259*a*, 261*a*, 262*b*-63*b*, 288*ab*, 289*a*, 293*b*-94*a*; D, 311*a*, 312*a*; Ec, 345*a*-46*a*, 349*a*, 350*a*, 351*a*; ES, 374*b*, 378*a*, 379*a*, 380*a*; G, 422*a*, 424*ab*, 427*b*, 429*a*, 430*a*, 431*a*, 432*a*-33*a*, 436*a*-37*a*, 439*a*; Ha, 457*a*-58*a*, 462*b*-63*a*, 465*a*; Ho,

Ministers, powers and functions of (*Cont.*)

- 482a, 484ab, 486ab, 490b; M, 513b, 514a, 533b-34a, 551a; N, 578b, 580b-81a, 585b, 586b-87a, 592b, 593b, 594a; Pa, 612a, 616a, 622a, 626b, 628a, 629a, 630b, 631ab, 633ab, 641b; Pr, 660b; Pu, 669a, 683a, 684b, 685b, 687b, 693b, 694a; US, 703ab; Uy, 732a, 735a, 737a, 739a, 740b-41b, 742a; V, 777a, 796b, 800a, 801b-2a, 803a, 805b-6b
- , qualifications of: Br, 78b; Ch, 156b; Co, 188b; CR, 221ab; Cu, 262b; D, 311a-12a, 318b, Ec, 345a; ES, 378b; G, 429b; Ha, 458a; Ho, 486ab; M, 533b; N, 586b; Pa, 632b; Pr, 660b; Pu, 685a; Uy, 740a; V, 805b
- , remuneration of: A, 29b; Ha, 458a; Pr, 661a
- , reports by: Bo, 58a; Br, 79a; Ch, 156b; Co, 188b; CR, 214a, 221b; Cu, 257a; D, 310b; Ec, 345b; ES, 376a, 380ab, 395a; G, 430a, 436a; Ha, 463a; M, 534a; N, 582a, 587b; Pa, 632b; Pr, 661a; Pu, 686b; Uy, 740a; V, 795b, 806a
- , responsibility of: A, 29a; Bo, 45a, 48b-49a; Ch, 146b, 147b, 155b, 156b; Co, 173b, 186b, 188b-89a; CR, 221b; Cu, 252a, 263a-65a, 287b, 294b, Ec, 331b, 333b, 345b; ES, 380a, 394a; G, 430a; Ha, 458a, 460a, 462b; Ho, 486a, 493b-94a; M, 540b; N, 586ab; Pa, 624b, 630b; Pr, 660b-61a; Pu, 681a, 687a; Uy, 725b, 740a; V, 805a-6b
- Minors; *see* Children
- Money; *see* Currency and coinage
- Monopolies: Co, 170b; CR, 205b, 214b; Cu, 293a; D, 299b; Ec, 341b, 363a; ES, 371b; G, 417b; Ha, 453a; Ho, 475a; M, 512b-13a; N, 560b; Pa, 623a, 641b, 645b-46a; Pr, 653b, 654ab; Pu, 669b; Uy, 725b; V, 776b, 788a
- Morality, public: A, 16b; Bo, 52a, 54b; Br, 91a; Co, 171b; CR, 207b, 209b; Ec, 355ab, 356a; ES, 369a; G, 404b; Ha, 447b, 459b; N, 564b, 568a, 569a; Pa, 608a, 610a; Pr, 653a, 656a; Pu, 671b; Uy, 720b; V, 771a
- Mortmain: G, 403b; Ho, 475b; N, 563a
- Mother-country, relations with: Ca, 109ab, 110b, 111b, 112a, 116b-17a, 128ab, 131ab, 133ab, 135a; Cu, 227a, 246a; G, 399a, 400a; Ho, 470a; N, 557b; Pa, 606b; Pu, 668ab; V, 767a
- Motion pictures: M, 526a, 549b; N, 568b
- Municipality: Bo, 53a, 54b; Br, 72a, 89b, 91a, 93b, 98a, 102b; Ca, 123a; Ch, 144a, 145a, 149a; Co, 166b-67b, 174ab, 176a, 184b, 195b, 196b, 197ab; CR, 205b; Cu,

Municipality (*Cont.*)

- 237b, 238a, 239a, 246a, 250b, 251a, 273a, 293a; Ec, 349a, 355b, 358a, 363a; ES, 390ab; G, 402b, 415b, 418a, 437b; Ho, 490a; N, 557a, 594b; Pa, 605b, 642a; Pr, 663a; Uy, 725b, 726b; V, 765a, 780a, 789a, 812a
- , government of: A, 14b; Bo, 50b, 54ab; Br, 62a, 65b, 66ab; Ch, 160ab, 161b-62a; Co, 197b-98b; CR, 210b, 224a; Cu, 274b-82b; D, 310a, 315a; Ec, 348a; ES, 386ab, G, 440ab; Ha, 461a; Ho, 493ab; M, 524b, 542b-43a; N, 596ab; Pa, 636b-39b; Pu, 690ab; V, 782a-84a, 815b-16a
- , taxation by: Bo, 35b, 50a; Br, 63b, 65a, 66a-67b; Ch, 160b; Co, 172a, Cu, 276a-77a, 278a, 279a; D, 310b, 315a; Ec, 348a; G, 440a; M, 528a; Pa, 639a; Uy, 755b; V, 783a
- Murder: Bo, 35b; Cu, 257a; ES, 370a; Ho, 472b; M, 504b; N, 560a; Pu, 672b
- Museums: Cu, 276a; Ha, 464b; M, 527a
- Mutiny: A, 31b; Co, 170a; Pa, 609b
- Nationality: Bo, 38ab; Br, 87b-88a, 89a, 95b; Ch, 139b-40a; Co, 167b; CR, 203b-4a; D, 301ab; Ec, 324ab; ES, 372b-73a; G, 398b-99a; Ha, 444b; Ho, 469b-70a; M, 514a-15a, 526a; N, 557a-58a; Pa, 605b-7b; Pr, 657a, Pu, 668ab; Uy, 721a-22a; V, 766b-67b, 818a; *see also* Citizenship
- , loss and restoration of: Bo, 38b; Br, 88a; Ch, 139b-40a; Co, 167b-68b; CR, 204a; Ec, 324b-25a, 329b; G, 399a-401a; Ho, 470ab; M, 515b-16a; N, 558a; Pa, 606b-7b, 625a; Pr, 657b; Pu, 668b; Uy, 723b; V, 767b
- Naturalization: A, 16b, 17a, 22b, 31a; Bo, 38ab; Br, 61b, 88a, 97a; Ca, 122a; Ch, 139b, 140b; Co, 167b-68a, 186a; CR, 204a, 219b, 225b; Cu, 228b-30a, 243a, 253a, 257a; D, 301b, 303a, 304a; Ec, 324a-25a, 341a; ES, 372b-73b, 374a, 377b; G, 399a-400b; Ha, 445a; Ho, 470a, 485b; M, 514a, 516a, 526a; N, 557b-58a, 584b; Pa, 605b-7a, 630a, 645a; Pr, 657b; Pu, 668ab; US, 700a, 709a; Uy, 721b-22a, 723ab; V, 767ab, 768b, 788a, 804b
- Navigation, aerial: Br, 61a; CR, 203ab; Cu, 256b; Ec, 332a, 352b; G, 415b; Pr, 663a
- , right of: A, 15b, 16b, 17b, 22b, 28a; Br, 61b, 95a; Ca, 122a; CR, 204b, 220a; Cu, 256b; D, 310a; Ec, 341a; N, 573b, 584b, 590b; Pr, 653b, 659b, 663a; V, 804b, 811b
- Neutrality: Ch, 156a; Pr, 659b; V, 785a

Nobility: A, 16a; Br, 88b, Ch, 140b; CR, 205b; Cu, 246a; D, 319b; M, 501a, 516a; N, 566a; Pr, 656b; US, 701b; Uy, 716a; V, 771b

Oath of office, executive: A, 25b; Bo, 41b, 46b; Br, 68b, 76b; Ca, 117b; Ch, 154a; Co, 174b, 184a; CR, 212b, 218a, 224ab; Cu, 259b, 263a; D, 305b, 309a, 318a; Ec, 333ab, 339a; FS, 376a; G, 420b, 421a, 426b-27a, 431b; Ha, 451a, 456ab, 464b; Ho, 480a, 493b; M, 530a, 532a, 550a; N, 575a, 577a, 581b, 602a; Pa, 628b; Pr, 658b; Pu, 670a, 682a; US, 703a, 706a; Uy, 737a; V, 779a, 795b, 800b-801a

—, judicial: A, 30a; Co, 174b; CR, 212b, 224ab; ES, 376a, 383a; Ha, 460b; Ho, 480b; M, 530a, 536a; Pr, 665a; US, 706a

—, legislative: A, 21a; Ca, 127b-28a; Co, 174b; CR, 215b, 224ab; Ha, 453a; Ho, 479b; Pr, 662b, US, 706a

Officials, responsibility of: Br, 93b; Ca, 128ab; Ch, 158b; Co, 169a, 172b, 174a, 182ab, 186b, 191a, 192a, 193ab; CR, 205ab, 212b; Cu, 233b, 251b-52a, 272b-74b, 278ab, 279a-80a, 284b, 291b; D, 299a, 303b, 317b; Ec, 329b, 331b, 343b, 347a, 348a, 354b, 356b-57a; ES, 369a, 370a, 372a, 375b, 377b, 383b, 386b, 388b, 392a, 393b-95a; G, 402ab, 405b-6b, 426b, 436a, 437a, 439b; Ha, 446a, 448a, 449a, 464a; Ho, 469ab, 479b, 491a, 493b-94a; M, 503a, 537a, 540a-42b; N, 557a, 560b, 562a, 586a, 588a, 594a, 596b, 597ab, 600b; Pa, 608a, 609b-10a, 642a; Pr, 654b; Pu, 669a-70a, 688a; Uy, 716b-17a, 745b, 756a; V, 769a, 779a, 782b, 807a, 808a, 811ab, 813b, 818a

Opinion, freedom of: Bo, 33b, 34b; Br, 90b; Ch, 140b-41a; CR, 206b, 218b; Cu, 228b, 234a; D, 300a, 304b; Ec, 361ab; ES, 371a; G, 402ab, 404b; Ha, 447a; Ho, 473b, 475a; M, 498a, 500a; N, 568ab; Pa, 610a; Pr, 673ab; US, 706b; Uy, 717a; V, 771a

Order, public: A, 16b, 17a, 23b, 28b, 31a; Bo, 36b-37b, 48a, 56b, 62a, 75a, 91ab, 99a, 100b, 104a; Ca, 121b; Ch, 140b, 150a, 154b, 155a, 156a; Co, 168a, 170ab, 172a, 173a, 175b, 184b, 185a, 186ab; CR, 206a, 213a, 218b, 219a; Cu, 231a, 234a, 235a-36a, 261a, 269b, 272b, 275b, 288a, 293b; D, 300a, 306a, 307a, 309b, 316b; Ec, 340b, 342a-43a, 353b, 355a; ES, 369ab, 380a, 388b, 390b; G, 403b, 407a, 416a, 427b, 428b, 431a; Ha, 447b, 459b, 465a; Ho, 473b, 477a, 485a; M, 500a, 513b, 529a, 545b, 553a; N, 562b, 581b,

Order, public (*Cont.*)

585a; Pa, 610ab, 611a, 629a, 637a; Pr, 653a, 656a, 657a, 659b-60a; Pu, 683b, 691a; US, 705b; Uy, 718a, 720b, 737a, 738b; V, 778a, 780ab, 803b, 810a

Pardons and commutations: A, 27b; Bo, 41a; Br, 78a; Ch, 150ab, 155b; Co, 177a, 184b; CR, 204b, 219b-20a; Cu, 260b; D, 311a; Ec, 332a, 341b, 356b, ES, 377a, 381b; G, 428a; Ha, 457a; Ho, 472a, 486a, 494a; M, 533a; N, 574a, 582b, 583a; Pa, 630a; Pr, 659a; Pu, 680a; US, 703a; Uy, 725a, 728b; V, 804b

Parliament; *see under* Legislature

Parliamentary government; *see* Legislature, control by, over executive branch

Parricide: Bo, 35b; ES, 370a; Ho, 472b; M, 504b; N, 560a

Parties and organizations, political: Br, 67a, 68b, 69b, 80a, 84b, 88b, 91b, 96b; Ch, 144b; Co, 172b, 194b-95a; Cu, 235a, 247a-48a, 269ab, 281b, 294a; D, 302b, 318b; Ec, 347a, 362a; G, 404a, 412b; Ha, 448a; M, 551ab; N, 561a, 597a, 598a, 602b; Pa, 620a, 624b, 646b; Pu, 672b; Uy, 720a, 722b, 723b, 759a; V, 778b, 779a, 780a, 792b, 814b

Passports: Bo, 37b; Cu, 233b; Ec, 342b-43a, 362ab; ES, 369b; G, 400b, 403a; M, 501a, 516a

Patronage; *see* Church, established

Peace: Br, 60b, 64a; Ca, 121b; Ch, 150a; CR, 219a; Cu, 228a, 234a; N, 556b; Pr, 654a; V, 769a, 785b, 787b

—, treaties of: A, 17b, 23b, 28a; Br, 72b, 77b; Ch, 156a; Co, 185b; CR, 219b; Cu, 257a; D, 310a; Ec, 334a; ES, 381a; G, 423b; Ho, 481a, 485a; N, 584a; Pa, 622b; Pr, 659b, 663a; Pu, 680a; Uy, 724b; V, 794a

Penal law and code: A, 16a, 22b, 31a; Br, 61a, 92b; Ca, 122a; Cu, 231ab; G, 402a, 407a; Ha, 446b, 465a; Ho, 474b; N, 561a, 591a, 599b; Pa, 626b; Pu, 674a, 691a; V, 789a, 810a

Penitentiaries; *see* Prisons

Pensions and retirements: A, 23a, 27b; Bo, 47b; Br, 75a, 77b, 88a, 101b-2a; Ch, 149b, 155a; Co, 174a, 177b, 193b, 194b; Cu, 236b, 241a, 249b-50b, 267b, 270a; Ec, 333a, 341a, 359b; ES, 388b, 391a; G, 428b; Ha, 462b; Ho, 481a; N, 574a, 583b, 585a, 591b, 597b, 600a; Pa, 625a, 647a; Pr, 657b; Pu, 678b, 684a, 691b; US, 709b; Uy, 720b, 725a, 726a, 728b, 737a, 739a; V, 774b, 780b, 795a

- Petition, right of: A, 15*b*, 17*a*; Bo, 33*b*, 40*a*; Br, 93*b*; Ch, 141*a*; Co, 172*a*, 194*a*; CR, 206*b*; Cu, 234*b*-35*a*, 279*b*; Ec, 361*b*-62*a*; ES, 369*b*-70*a*, 371*b*-72*a*; G, 403*a*-4*b*; Ha, 448*a*, 455*b*; Ho, 475*b*, 492*a*; M, 500*b*, 515*b*; N, 556*b*, 559*a*, 568*a*, 599*b*; Pa, 610*b*, 611*b*, 648*b*; Pr, 655*a*, 656*b*; Pu, 673*b*; US, 706*b*; Uy, 717*b*; V, 771*b*
- Petroleum; *see* Resources, natural
- Piracy: M, 504*b*; N, 560*a*; US, 700*b*
- Plebiscite; *see* Referendum
- Plurality of offices: A, 18*a*, 21*b*, 25*b*, 29*a*; Bo, 39*b*; Br, 67*b*, 69*b*, 70*a*, 80*a*, 100*ab*, 101*a*; Ca, 120*a*; Ch, 145*ab*, Co, 173*a*, 174*ab*, 183*a*, 189*b*, 193*b*; CR, 211*b*, 214*a*, 215*ab*, 223*b*; Cu, 249*ab*, 253*b*, 273*b*, 295*b*; D, 302*b*, 312*b*; Ec, 327*b*, 328*b*, 337*b*, 347*a*, 357*a*; ES, 375*a*, 380*a*, 385*a*; G, 412*b*, 419*b*-20*a*, 425*b*, 427*a*, 435*a*, 438*a*; Ha, 449*b*, 455*b*, 459*a*, 462*b*; Ho, 476*a*, 478*b*, 479*b*, 480*a*, 493*b*; M, 519*b*-20*a*, 536*b*, 550*a*; N, 571*a*, 572*a*, 576*a*, 589*b*-90*a*, 597*b*, 599*b*; Pa, 621*ab*, 634*b*, 635*a*, 648*a*; Pr, 658*b*, 662*ab*; Pu, 670*a*, 676*b*-77*a*, 685*b*, 686*b*, 692*ab*; U, 699*a*, 702*a*; Uy, 722*b*, 727*b*, 730*ab*, 743*b*, 750*b*, 754*ab*; V, 779*b*, 783*b*, 786*a*, 790*b*, 807*ab*
- Police: Br, 60*b*, 61*a*, 89*ab*, 90*a*, 91*b*, 100*b*; Ch, 141*a*, 142*b*; Co, 177*a*, 194*ab*, 196*b*; Cu, 247*a*, 248*a*, 269*b*, 277*a*; D, 312*b*, 315*b*; Ec, 353*b*, 360*b*; ES, 376*b*, 386*b*; G, 406*a*, 440*a*; Ha, 464*a*; Ho, 471*b*, 474*b*, 486*a*, 493*a*; M, 501*a*, 502*b*, 504*b*, 514*b*, 519*a*, 552*a*; N, 571*b*, 574*b*, 583*a*, 584*b*, 596*a*, 599*ab*; Pa, 608*b*, 609*b*, 610*b*, 629*a*, 647*a*, 648*b*; Pr, 656*a*, 657*b*; Uy, 722*a*, 738*a*, 751*b*, 756*b*; V, 780*a*, 782*b*, 785*b*, 789*b*
- Political offenses: A, 16*b*, 19*b*; Bo, 35*a*, 37*b*, 41*a*, 47*b*; Br, 71*ab*, 78*ab*, 79*a*, 81*b*, 93*a*; Ch, 148*a*; Co, 177*a*, 184*b*; CR, 220*a*; Cu, 233*b*-34*a*, 236*a*, 252*a*, 257*a*; ES, 369*a*; G, 400*b*, 403*a*, 416*b*, 428*a*; Ha, 447*ab*, 454*a*; Ho, 471*a*; M, 504*b*; N, 558*b*, 562*a*, 574*a*, 583*a*; Pa, 608*b*, 630*a*; Pr, 655*b*; Pu, 680*a*; Uy, 716*a*; V, 809*b*
- Popular chamber, organization of: A, 18*b*-19*b*; Bo, 39*a*; Br, 68*a*, 70*a*; Ca, 111*a*, 113*b*, 115*a*-16*a*, 133*ab*; Ch, 144*b*, 146*b*; Co, 173*b*, 181*ab*; Cu, 253*a*; D, 303*b*; Ec, 330*a*; Ha, 449*ab*; M, 518*b*; N, 575*a*; US, 697*ab*, 709*ab*; Uy, 726*a*; V, 791*b*; *see also* under Legislature
- , powers and functions of: A, 19*b*, 27*b*, 30*b*; Bo, 42*b*, 43*a*; Br, 71*a*, 73*a*, 77*b*, 78*a*, 105*a*-6*a*; Ca, 116*ab*; Ch, 144*a*, 146*b*-47*b*, 150*b*, 155*b*; Co, 174*a*, 178*a*, 181*b*-
- Popular chamber, powers of (*Cont.*)
82*a*, 184*ab*, 188*a*, 190*ab*, Cu, 251*a*-52*a*, 253*b*, 268*b*, 274*a*, 287*b*; D, 303*a*-4*a*, 314*b*; Ec, 329*b*, 330*b*-31*a*, 337*b*, 350*b*, Ha, 453*a*, 460*a*, 463*b*; M, 523*ab*, 524*b*-25*a*, 528*ab*, 533*b*, 541*a*-42*a*; N, 575*b*, 576*a*; Pu, 679*a*; US, 699*b*, 702*b*, 708*b*; Uy, 727*a*, 739*b*, 756*a*; V, 792*a*
- , qualifications for membership in: A, 19*a*, 26*a*; Bo, 42*b*; Br, 68*a*, 89*b*-90*a*; Ca, 114*a*; Ch, 144*b*-45*a*; Co, 181*b*, 183*a*; CR, 211*b*, 215*a*; Cu, 253*ab*; D, 304*a*, 318*b*; Ec, 328*ab*, 330*b*; ES, 374*b*-75*a*; G, 419*b*; Ha, 449*b*; Ho, 478*a*-79*a*; M, 518*b*-19*a*; N, 575*a*; Pa, 621*a*; Pr, 662*a*; Pu, 676*ab*; US, 697*ab*, 709*b*; Uy, 726*ab*; V, 790*a*, 792*a*
- , term of office in: A, 19*b*; Bo, 40*a*, 42*a*; Br, 70*b*; Ca, 115*b*; Co, 181*b*; CR, 211*a*; Cu, 253*a*; Ec, 330*b*; ES, 374*b*; G, 420*a*; Ha, 449*b*, 466*a*; Ho, 478*b*, 495*b*; M, 518*b*; N, 575*a*, 601*b*; Pa, 620*b*; Pr, 662*a*; Pu, 675*b*; Uy, 726*a*
- Ports: A, 15*b*, 22*b*; Bo, 40*b*, 48*a*; Br, 61*ab*; Ch, 149*b*; Cu, 256*b*; D, 310*b*; Ec, 332*a*, 341*b*, 342*b*; ES, 381*b*, 391*a*; Ho, 481*b*; M, 514*b*, 533*a*, 544*b*; N, 574*b*, 585*a*; Pa, 640*a*; US, 701*a*; Uy, 725*a*, 742*a*; V, 804*a*
- Postal service: A, 14*b*, 22*b*; Br, 61*a*; Ca, 121*b*; M, 512*b*, 526*b*; Pa, 674*a*; Pu, 687*a*; US, 700*a*; Uy, 742*a*; V, 789*a*
- Prefects; *see* Local government
- President; *see* Executive
- Press and publication: Br, 67*a*, 96*b*, 103*a*; Ec, 343*a*; ES, 395*b*; Ho, 495*a*; M, 503*b*, 551*b*
- , freedom of: A, 15*b*, 18*a*; Bo, 34*b*; Br, 90*b*, 104*b*; Ch, 141*a*, 150*a*; Co, 171*b*-72*a*; Pr, 655*a*, 656*a*; Pu, 673*b*; US, 706*b*; Uy, 717*a*; V, 771*a*
- Prisons: A, 16*b*; Bo, 34*ab*; Br, 61*a*, 92*a*; Ca, 122*b*, 123*a*, 130*a*; Ch, 142*b*-43*b*, 156*a*; CR, 207*b*; Cu, 232*b*; D, 300*b*; Ec, 342*b*; G, 406*ab*; Ho, 473*a*; M, 502*b*, 504*a*; N, 560*a*, 563*b*, 585*b*; Pa, 609*a*; Pr, 656*a*; Uy, 715*b*, 717*a*; V, 785*b*, 787*b*
- Privileges; *see* Rights and privileges
- Privy council; *see* State, council of
- Prizes, naval: A, 23*b*; ES, 383*a*; Ho, 488*b*; M, 526*a*; US, 700*b*
- Procedural legislation: A, 17*ab*; Bo, 34*b*, 43*b*; Br, 61*a*, 78*b*, 85*ab*, 92*ab*, 93*a*; Ch, 143*b*, 150*a*, 157*b*, 158*a*; Co, 169*a*, 171*b*, 192*b*; CR, 206*a*, 207*ab*; Cu, 231*b*-32*a*, 249*a*, 268*b*; D, 301*a*; Ec, 347*a*, 355*a*; G, 406*a*, 435*b*-36*a*; Ha, 446*ab*, 461*a*; Ho, 473*b*, 487*b*, 489*a*; M, 502*a*, 538*a*-40*b*; N, 561*a*,

Procedural legislation (*Cont.*)

591a; Pa, 609a, 626b, 635b; Uy, 716b; V, 798a

Procedural rights: A, 16a; Bo, 34a-35a; Br, 90b-91a, 92a-93b; Ch, 141b, 142b-43b; Co, 169a-70b; CR, 206b-7b; Cu, 231a-33b, 236a; D, 300b-301a; Ec, 360b; ES, 370a-71a; G, 402a, 404b-8a; Ha, 446ab; Ho, 472b-74a, M, 501b-5a; N, 561a, 566a-68a; Pa, 608b-9b; Pr, 655b-56a, Pu, 673a, 674a, 692b; US, 704b, 707ab; Uy, 716ab, 720ab, 751a; V, 769a-70b, 817b-18a, *see also* Justice, administration of

Proclamations; *see* Executive, decrees of

Production: Br, 61a, 63a, 64b, 67b; Ca, 127a; Co, 170b; CR, 208a, 209a; Cu, 276a, 286b, 289a, 292a; Ec, 328b, 356a; ES, 393b; G, 402a, 415a, 417ab; M, 513a; Pa, 618b, 644a; Pr, 653b; V, 784b, 811b

Professions: Bo, 51a; Br, 61b, 66b, 91b, 96b; Co, 171b, 180a, 193b; CR, 223a; Cu, 236b, 238b, 239b, 242b, 244ab, 250a, 265b, 266a, 286ab, 289a, 290b; D, 312b, 313b; Ec, 346b-47a, 357b; ES, 383a; G, 412a, 435a; Ha, 447a; Ho, 482a, 488a; M, 499b-500a, 515b, 545b; N, 561b, 564b, 566a, 590b; Pa, 610b, 614a, 622a; Pr, 655a, 656b; Pu, 671b, 687b; Uy, 718a, 743b; V, 773b-74a, 777a

Professors and teachers: Bo, 39b, 55b; Br, 98a, 101a, 103a; Co, 180a; CR, 204a; Cu, 239ab, 253b, 266a, 274a, 281a, 289b, 290ab; D, 302b, 312b; Ec, 357a; ES, 373b, 385a; G, 412b, 414a, 419b; Ho, 476a, 478b; N, 572a; Pa, 616a, 621a, 634a, 635a; Pr, 662b; Pu, 670a, 674b, 692b; Uy, 726b, 743b, 754a; V, 773a, 783b

Property: Bo, 35b, 36a; Br, 64b-65a, 66b, 67a, 93a, 97b; Ca, 112a, 113a, 123b, 124a, 125a; Ch, 143b; CR, 204a, 211b, 217b, 220a, 221a, 223a; Cu, 236b, 245b-46a, 249b, 291b, 292a; Ec, 348a, 355a, 356a; ES, 370a, 376b, 392b; G, 401b, 402b, 403a, 406a, 413a; Ha, 462a; Ho, 489b; M, 504b, 505ab, 507ab, 515b, 545a, 549a, 552a; N, 558b, 560b, 561b-62a; Pa, 613a; Pu, 670a, 673a, 689ab; V, 772a, 776a, 779a, 788a

—, public: Bo, 40a, 41a, 49b; Br, 67b, 72b, 75a, 82a, 93b; Ca, 121b, 126ab, 127b, 130ab; Ch, 144a, 149a, 162a; Co, 166b, 176b, 195b-96a, 198b; CR, 205a, 214ab; Cu, 255a, 275a-76a, 285b-86a; D, 304a, 305b, 310a; Ec, 331b, 341a, 352a; ES, 387b, 389a, 390ab; G, 414b, 415b-16b, 440b; Ha, 445b, 447a, 463a; Ho, 475b, 481b, 489b-90a; M, 505b-6b, 508a, 552ab;

Property, public (*Cont.*)

N, 573b, 574b, 584b, 592ab, 596b; Pa, 622b, 623a, 639b-40b, 642a; Pr, 653b; Pu, 671a; US, 705a; Uy, 746b; V, 765a, 783a, 784b, 794b, 811a, 813a

—, right of: A, 15b, 16ab; Bo, 35a; Br, 90b, 91b; Ch, 140b, 141b-42a; Co, 168b, 170a; CR, 204b, 206a, 207b; Cu, 230a, 231b, 236b, 245a; D, 300a; Ec, 354b, 357b-58a, 360a; ES, 368b-69a, 370a, 371a, 373ab; G, 402a, 405a, 416b; Ha, 445ab, 446b; Ho, 470b, 472a, 475b, 476ab; M, 501b; N, 560a, 562a-63b; Pa, 608a, 611a; Pr, 655a; Pu, 670b-71a, 690b; US, 707a, 709a; Uy, 715b, 717b; V, 775a

—, social function of: Bo, 35a; Br, 94ab; Co, 170a; CR, 206a; Cu, 245a; D, 300a; Ec, 357b; ES, 371a; G, 416ab; Ha, 446b; N, 562b-63a; Pa, 611a; Pr, 655a; Pu, 671a; V, 775a

Proportional representation: Br, 68b, 70b, 88b; Ch, 144b; Co, 194b-95a; Cu, 247a-48a, 280b; D, 316a; Ec, 325b; G, 404a; N, 560a; Pa, 620a; Pu, 675b, 688a; Uy, 722a, 726a, 727ab, 731a, 751b-52a, 760a; V, 778b, 791b, 792b, 798b, 815a

Prostitution: V, 772b, 783a

Provinces; *see* Federal units

Public acts: A, 15ab, 16b, 17b, 19b; Bo, 34b, 52a; Br, 79a, 81a, 86b, 103a; Ch, 139a, 143a, 148a; Co, 169a, 176a, 177b; CR, 205a; Cu, 227b, 231a; D, 306b; Ec, 330a; ES, 369a, 383b; G, 402ab, 404b, 406a, 408a; Ho, 469a, 493b; M, 541ab, 545a; N, 558b; Pr, 654b; Pu, 670a; V, 769a, 808a

Public ministry (or equivalent): Bo, 53b; Br, 82a, 86b, 87ab, 89b, 103ab; Ch, 145a, 154b; Co, 178a, 184b, 190a-91a, 193ab, 195a; Cu, 270ab, 272b-73b; D, 312b, 313b; Ec, 352b; ES, 391b-92a; G, 434b; Ha, 458b, 459b, 460ab; Ho, 478b, 487b, 488b, 489a; M, 504a, 525b, 537a; N, 582b, 587b-88a, 592a; Pa, 612b, 635b-36b; Uy, 747a, 748a, 749ab; V, 787b, 804b, 809b-10a, 817ab

Public offices, establishment and regulation of: A, 23a, 28b; Bo, 41a, 48a; Br, 72a, 73a, 80a, 87a, 88b, 101ab, 104b; Ca, 121b, 122b, 129a; Ch, 139b, 141a, 149b, 155a; Co, 174ab, 176a, 185a, 196b-97a, 198a; Cu, 244a, 248a-51a, 280b-82a; D, 302b, 306b; Ec, 331b, 333a, 357a; ES, 376b, 377a; G, 400a, 405a, 412b, 413b, 421a, 428a; Ha, 463a; Ho, 470b, 481a, 493a; M, 499b, 514b, 526a; N, 558b, 572b, 584a, 597ab; Pa, 622a, 646b-47b,

Public offices, establishment of (*Cont.*)
648a; Pu, 679b; US, 703b; Uy, 720a, 725ab

Public works: A, 31a; Bo, 40a, 46a, 54b; Br, 66b, 102b; Ca, 126a, 129b; Ch, 159b, 162a; Co, 176a, 177a, 185b; CR, 205b; Cu, 263a, 276ab, 283b, 284ab, 286a, 289a, 291a; D, 317a; Ec, 332a, 350b; ES, 375a, 388a; G, 418a, 419b, 429b-30a; Ho, 479a, 486b; M, 506b, 525b, 544b, 552b; N, 584b, 593a; Pa, 622b, 625a, 626a, 629b, 639b, 642a, 647b, 650a; Pu, 687a, 688b, 690a; Uy, 755ab; V, 784b-85a, 789a, 811b, 812b

Queen; *see* Sovereign

Quorum; *see under* Legislature

Race: Cu, 243a, 247b; Ec, 355a, 360a; G, 402a, 409b; N, 566a; Pa, 608a, 620a; US, 710a; V, 771b, 774b

Radio broadcasting and communication: Br, 61a, 96b, 99b, 104b; CR, 214b; Ec, 343a; G, 405a; M, 512b; V, 771a, 789a

Railways: A, 23a, 31a; Bo, 40b; Br, 61a, 67b; Ca, 123a; Co, 171b, 196b; CR, 214ab; Cu, 256b; Ec, 358a; ES, 381b, 390b; M, 549b; Uy, 742a; V, 789a

Rebellion: CR, 207a, 213a, 214a; Cu, 261a; ES, 371b, 377b, 381b; G, 398a, 434a, 441b; M, 553a; N, 583b, 585b; US, 700b, 701a, 709b-10a; V, 777b, 803b; *see also* Order, public

Recreation: Ch, 162a; Cu, 276a; G, 414b; M, 547a

Referendum: Ch, 163b; Cu, 228b, 246b, 248a, 275a, 276b, 279ab, 284a, 295ab; Ha, 465b; Pa, 638a; Pr, 665b; Uy, 724a, 756b, 759b, 760b; V, 816ab

Religion: Br, 98a; Ca, 124a; CR, 206b; Cu, 239b; Ec, 360a; G, 402a; M, 507ab, 550b-52a; N, 563a; Pa, 608a, 620a; *see also* Church, established

—, freedom of: A, 15b, 16b; Bo, 33a, 55b; Br, 67a, 91a; Ch, 140b; Co, 173a; CR, 204b, 209b; Cu, 228b, 234b; D, 300a; Ec, 355a, 361a; ES, 369ab; G, 402b, 403b, 404a; Ha, 447b; Ho, 474b; M, 498a, 505a, 550b; N, 556b, 563a, 569a; Pa, 610a; Pr, 653a, 655a; Pu, 673a, 693a; US, 706ab; Uy, 715a; V, 771a

Religious orders: A, 23a, 31b; Br, 91a; Co, 172a; ES, 371b; G, 403b, 404a; Ho, 475a; M, 499a, 500a, 507b, 552a; Pa, 610a

Rents: Cu, 292ab; Ha, 445b; M, 547a

Representatives, chamber, or house, of; *see* Popular chamber

Resources, natural: Bo, 49b; Br, 61b, 63a, 67b, 94b; Ca, 122a, 123a, 126a; Co, 196b, 198b; CR, 214b; Cu, 245a; D, 317b; G, 415b, 416b-17a, 423b, 428a; Ha, 447a; Ho, 489b; M, 505b-7b, 526a, 527b-28a; N, 592b; Pa, 640ab, 646a; Pr, 653b; Pu, 671a, 677b, 687a, 688b-89b; V, 775b, 776a, 788ab, 794b, 804b, 809a; *see also* Subsoil

Retirements; *see* Pensions

Revenue; *see* Finances; Tariff; Taxation

Rights and privileges: A, 15b-17a, 18a; Bo, 33a, 36a, 38a, 47a; Br, 78b, 89a, 90b-94a; Ca, 123b, 124a, 125a; Co, 168a, 172b; Cu, 228b, 230a, 232a-33a, 235ab, 242b; D, 301a, 316b; Ec, 331a, 335b; ES, 369a; G, 401b-2a, 407b, 412a, 417a, 431b; Ho, 476b-77a; M, 498a; N, 560a, 569a; Pa, 608a; Pr, 655a; US, 705a, 707b; Uy, 721a, 724b, 756a; V, 768b; *see also under* subject-entry headings for specific rights

—, suspension or impairment of: A, 17ab; Br, 88b; CR, 213a, 218b; Cu, 234b, 235b-36a, 260b, 268a, 270b-71a, 292a; D, 306a, 309b; ES, 372a; G, 407a, 408ab, 429a; Ha, 445a, 465a; Ho, 472b-73a, 477ab; M, 500a, 501b, 513b, 537b; N, 573a, 585b-86a; Pa, 611b-12a, 614b, 625b, 633a; Pu, 671b, 674a; Uy, 715b; V, 777a-78a, 803b

Rivers: A, 23a, 31a; Co, 196b; G, 415b; M, 506a; N, 590b; Pa, 640a; Pr, 653b; Pu, 671a; V, 811b

Roads and bridges: Bo, 36a, 40b, 56a; Br, 66a, 99b; Ch, 162a; Co, 172b, 196b; Cu, 256b, 277b; Ec, 358a; ES, 371a; M, 526b; Pa, 618b; Pu, 671a, 688b; V, 784b, 789a

Robbery: ES, 370a; M, 534b; N, 560a

Roman Catholic church; *see* Church, established

Safety, public: Cu, 171b; N, 564b; Pa, 608a; Pr, 654a; Pu, 671b; Uy, 718a, 720b

Schools; *see* Education

Sciences; *see* Arts and sciences

Seal; *see* Symbols

Search and seizure: A, 16b; Br, 104b; Co, 171ab; D, 300b; Ec, 361a; ES, 370a-71a; G, 404b, 405a, 416b; Ha, 446b; Ho, 473b-74b; M, 502ab; N, 564a, 567b-68b; Pa, 609a; Pu, 673b; US, 707a; Uy, 716a, 717a; V, 771a

Second chamber, organization of: A, 19b-20a; Bo, 39a, 43a; Br, 68a, 71ab; Ca, 111a-12a, 113b, 131ab, 133ab, 135b-36a; Ch, 144b; 147b; Co, 180a; Cu, 251ab; D, 303a; Ec, 329a, 344b; Ha, 450a; M,

Second chamber, organization of (*Cont.*)

519*ab*; N, 575*b*-76*a*; Pu, 676*a*, 685*a*; US, 697*b*-98*a*, 705*b*, 710*ab*; Uy, 727*a*; V, 792*ab*; *see also* Legislature, organization of

—, powers and functions of: A, 20*ab*, 25*b*, 26*b*, 27*b*, 28*ab*, 29*b*; Bo, 42*b*-43*b*, 47*b*, 54*b*; Br, 65*ab*, 67*b*, 71*b*-72*a*, 75*a*, 78*a*, 80*b*, 87*a*, 95*a*, 103*b*, 105*a*-6*a*; Ca, 113*b*; Ch, 140*a*, 144*a*, 147*a*-48*b*, 150*b*, 153*b*, 154*b*-55*b*, 160*b*; Co, 167*a*, 173*b*, 180*b*-81*a*, 185*b*, 187*ab*, 188*a*; Cu, 229*a*, 251*b*-53*a*, 260*b*, 261*b*, 267*b*, 268*b*, 273*b*-74*b*, 290*a*; D, 303*a*-4*a*, 309*b*, 312*ab*, 314*b*; Ec, 329*b*-30*b*, 337*b*, 341*a*, 350*b*; Ha, 460*ab*, 463*b*; M, 528*b*-29*b*, 532*b*, 533*ab*, 535*a*, 536*b*, 541*ab*, 552*b*; N, 576*ab*, 590*b*; Pu, 679*a*; US, 698*ab*, 699*b*, 702*ab*, 703*b*, 708*b*; Uy, 727*b*, 737*b*-38*a*, 742*a*, 743*a*, 748*a*, 754*b*, 758*a*; V, 779*b*, 792*b*

—, qualifications for membership in: A, 20*a*, 25*a*; Bo, 43*a*; Br, 68*a*, 89*b*-90*a*; Ca, 112*ab*; Ch, 144*b*-45*a*; Co, 180*a*, 183*a*; Cu, 251*b*; D, 303*a*, 318*b*; Ec, 328*ab*, 329*b*; Ha, 450*ab*; M, 519*b*; N, 576*a*; Pu, 676*ab*; US, 698*a*, 709*b*; Uy, 727*b*; V, 790*a*, 792*b*

—, term of office in: A, 20*a*; Bo, 40*a*, 43*a*; Br, 71*a*; Ca, 113*a*; Ch, 147*b*; Co, 180*b*; Cu, 251*b*; D, 303*a*; Ec, 329*a*; Ha, 450*a*, 466*a*; M, 519*b*; N, 576*a*, 601*b*; Pu, 675*b*; US, 698*a*, 710*a*; Uy, 727*b*

Secretaries, executive; *see* Ministers, executive

Sedition: A, 17*a*, 31*b*; Bo, 33*a*; Ch, 139*a*, 147*a*; CR, 206*b*, 207*a*; Pr, 656*b*

Seizure; *see* Search and seizure

Senate; *see* Second chamber

Separation of powers: Bo, 33*a*; Br, 62*a*, 67*b*; Co, 173*b*, 177*a*; CR, 204*b*, 210*b*; Cu, 251*a*; D, 299*a*; Ec, 332*b*, 344*a*; ES, 368*b*; G, 398*a*; Ha, 448*b*-49*a*, 454*a*; Ho, 477*b*; M, 518*a*; N, 556*b*-57*a*, 570*b*; Pa, 605*a*; V, 787*b*

Service, public: A, 16*a*, 18*a*; Br, 79*b*, 87*b*, 91*a*, 93*a*, 101*a*-2*a*; Ca, 135*b*-26*a*, 127*b*; Ch, 145*a*, 150*b*; Co, 173*b*, 174*b*, 176*b*, 197*a*, 198*b*; CR, 208*b*, 218*b*, 219*a*; Cu, 239*b*, 244*a*, 246*b*, 250*b*-51*a*, 266*b*; Ec, 357*a*, 359*a*, 360*a*; M, 499*b*; N, 597*a*; Pa, 614*a*

Services and utilities, public: Br, 94*b*, 96*a*, 100*a*; Ca, 123*a*; CR, 214*b*; Cu, 275*b*-77*b*, 278*b*, 281*b*, 284*a*, 285*b*, 287*a*, 288*b*, 291*a*, 293*a*; D, 317*a*, 319*b*; Ec, 328*b*; ES, 371*a*, 375*a*, 390*b*; G, 417*b*, 418*a*, 419*b*, 423*b*; Ho, 486*b*; M, 527*b*; N, 561*b*, 584*b*; Pa, 644*a*; Pr, 653*b*; Pu, 671*ab*; Uy, 753*b*; V, 777*a*, 799*a*, 802*b*

Sex: Br, 95*b*; CR, 209*a*; Cu, 230*b*, 247*b*;

Sex (*Cont.*)

Ec, 355*a*, 360*a*; ES, 393*a*; G, 402*a*, 409*b*; M, 546*b*; Pa, 608*a*, 620*a*; Pu, 672*a*; US, 711*a*; V, 774*b*; *see also* Maternity

Shipping: A, 150*ab*; Ca, 122*a*, 123*a*; ES, 381*b*; M, 514*b*, 544*b*; N, 585*a*; Pa, 609*b*; US, 701*a*; V, 804*ab*; *see also* Navigation;

Ports

Siege, or assembly, state of (or equivalent): A, 17*a*, 20*b*, 23*b*, 28*b*; Bo, 34*b*, 36*b*-38*a*; Br, 60*b*, 77*b*, 104*a*-5*b*, 106*a*; Ch, 156*a*; Co, 186*ab*; D, 306*a*, 309*b*; ES, 372*a*, 377*a*, 381*b*-82*a*, 395*b*; Ha, 446*b*, 465*a*; Ho, 474*a*, 477*a*, 479*a*, 481*a*, 485*b*, 495*a*; Pa, 611*b*-12*a*; Pr, 659*b*-60*a*

Slavery and involuntary servitude: A, 15*b*-16*a*; Bo, 33*b*; Ch, 140*b*; Co, 169*a*; CR, 206*a*; ES, 369*a*; M, 498*a*, 501*b*; Pr, 656*b*; US, 697*b*, 705*a*, 709*a*, 710*a*

Social legislation and organization: Bo, 50*b*-51*b*; Br, 95*b*-96*b*; CR, 209*ab*; Cu, 243*b*, 244*b*, 268*a*; Pa, 609*a*; V, 775*a*, 795*a*

Social order: Co, 172*a*, 190*ab*; Cu, 230*a*, 234*a*, 244*a*; D, 300*a*; G, 412*a*; N, 560*a*, 562*b*, 568*ab*; Pa, 610*a*

Social security: Br, 61*a*, 96*a*; Co, 193*b*; CR, 209*a*; Cu, 228*b*, 237*b*, 241*a*, 244*a*, 283*b*, 284*a*; D, 300*a*; ES, 393*b*; M, 549*b*; N, 565*b*; Pa, 617*b*; Pr, 634*a*; Pu, 672*a*; Uy, 720*b*; V, 772*b*

Solicitor-general: Ca, 117*b*, 120*a*, 129*a*; V, 790*a*, 808*a*, 809*b*-10*b*, 816*b*

Sovereign: Ca, 109*b*, 110*ab*, 111*a*, 112*ab*, 114*a*, 116*b*-17*a*, 119*ab*, 121*ab*, 123*b*, 131*ab*, 133*ab*, 135*ab*

Sovereignty: A, 18*a*; Bo, 33*a*, 36*a*, 49*b*; Br, 60*a*; Ch, 139*a*; Co, 166*a*; CR, 203*a*, 205*a*, 225*b*; Cu, 227*ab*, 228*a*, 235*a*, 295*a*; D, 302*a*, 306*a*; Ec, 323*ab*; ES, 368*a*, 372*a*, 380*a*; G, 398*a*, 403*a*, 407*b*, 422*b*; Ha, 444*a*, 448*b*; Ho, 469*a*, 477*ab*; M, 517*a*, 537*b*; N, 556*a*, 558*a*; Pa, 605*a*; Pr, 653*a*, 654*b*; Pu, 668*a*, 680*a*; Uy, 715*a*, 722*a*, 724*a*; V, 764*b*, 765*a*, 778*a*, 784*a*, 802*a*

Speaker; *see* Popular chamber, organization of

Speech, freedom of; *see* Opinion

Stamps and stamped paper: M, 544*a*; V, 788*a*, 818*a*

Standard of living: Bo, 49*a*; Ch, 142*a*; CR, 208*a*; Cu, 240*ab*, 277*a*, 292*a*; Ec, 358*b*; G, 415*a*; N, 565*a*; Pa, 613*b*, 615*a*, 618*a*, 619*a*; Pr, 654*a*; Pu, 672*a*; V, 773*b*, 776*a*, 811*b*

State, council of (or equivalent): Ca, 110*ab*; Co, 185*b*, 187*a*, 189*a*-90*a*, 191*a*, 200*a*; Ec, 329*b*, 337*a*, 339*a*-40*a*, 341*a*-42*a*, 343*ab*, 350*b*-52*b*, 355*b*; Pr, 659*a*-61*b*, 664*a*

State, members of council of: Ca, 110a, Co, 178b, 180a, 183a, 188a, 192a; Ec, 330b; Pr, 657b, 659a, 661ab

—, purposes of: A, 14a; Br, 97a; Co, 173b; CR, 208a; Cu, 227a, 228a; Ec, 323b, 331a; G, 398a, 402a; Pr, 653a; US, 697a; V, 764a, 773a

States; *see under* Federal units

Strike and lockout: Bo, 51a; Br, 96b; Co, 168b; CR, 208b; Cu, 242b; Ec, 359a, 363a; ES, 393b; G, 410ab, 412b; M, 547b-48a; Pa, 614a; Pr, 654b; Uy, 720a; V, 774b

Subprefects; *see* Local government

Subsoil: Bo, 35a; Br, 61b, 94b; Cu, 245a; Ec, 323b; G, 415b, 416b; Ho, 489b-90a; M, 505b-6b; N, 592b; Pa, 639b, 640b; *see also* Resources, natural.

Suffrage; *see* Voting

Supreme court (or equivalent): A, 19b, 20a, 23a, 27b, 29b; Bo, 34a, 41ab, 42a, 52b, 53b; Br, 76b, 79a, 81ab, 83b, 89a; Ch, 146a, 150a, 153b, 154ab, 157b; Co, 173b, 187a, 191a; CR, 212b, 222a; Cu, 265b, 270ab, 274a; D, 312a-13a; Ec, 346b; ES, 382ab; G, 433b; Ha, 458b, 460a; Ho, 487a; M, 534a-35b; N, 588b; Pa, 628b, 633b-34a, 650b; Pr, 663b-64a; Pu, 688b, 691b-92a; US, 700b; Uy, 729b; V, 806b, 807b-8a, 810a, 817a

—, members of: Bo, 41a, 42b, 43b, 53b; Br, 71b; 76a, 80b; Co, 178b, 182a, 183a, 188a, 189b, 190b; CR, 215a, 223ab; Cu, 260b, 261b-62a, 266b, 267ab, 269a, 273b; D, 303a, 308b, 311b, 318b; Ec, 330b, 333b, 350b-51a, 352a, 365a; ES, 376a, 384b, 394a; G, 402b, 420b, 421a, 425a, 434b-35a; Ho, 478b, 480ab, 483b, 488a, 493b; M, 519a, 529b, 530b, 533b, 534b-35a, 536ab, 540b, 542a; N, 576b, 589ab; Pa, 621ab, 623b, 624a, 626a, 630a, 633a, 647b; Pr, 658b, 659a, 661a, 692a; US, 698b, 703b; Uy, 725b, 736a, 737a; V, 790a, 796b, 801a

—, powers and functions of: A, 30ab, 31b; Bo, 40a, 43a, 44a, 52b-53b; Br, 62b, 72a, 78a, 79a, 80b, 81a, 82b, 83a, 85a; Ch, 158a-59a, 161a; Co, 179b, 180b, 184a, 192b, 194b, 200b; CR, 213b, 222b-23b; Cu, 250b, 252a, 257b, 261ab, 263a, 266a-67a, 272a-73a, 274a, 279a, 285a, 289b, 290a; D, 303b, 307a, 312b-13a, 314b; Ec, 326a, 330a, 332b, 334ab, 336a, 337ab, 340a, 346ab, 348b; ES, 372a, 377a, 378b, 381b, 382b-83b, 384a, 385ab, 386a, 394ab; G, 424a, 433b, 434ab, 437b-38a; Ha, 459ab, 464a; Ho, 472b, 480a, 482ab, 483a,

Supreme court, powers of (*Cont.*)

488a-89a; M, 509a, 535a-36b, 537b-38b, 539b; N, 574b, 576ab, 577a, 579b, 582b, 588b-89a, 590a-91a, 594b, 598a; Pa, 626b, 627b, 630b, 634b-35a, 636a, 642ab; Pr, 664a-65a; Pu, 680b, 684b, 692a; US, 704ab; Uy, 725b, 747b-48b, 749b, 750b, 751a, 757b-58a; V, 766a, 768b, 778a, 808a-9b

—, qualifications for membership in: A, 29b; Bo, 52b; Br, 80b; Ch, 185a; Co, 191b-92a; Cu, 266a; D, 312b; Ec, 346b, 352b; ES, 384ab; Ho, 487a; N, 589a; Pa, 634a; Pr, 664a; Uy, 747a

Symbols: Br, 61b, 102ab; Ca, 112b, 113b, 114a, 117a, 119ab, 129b, 130ab; Cu, 227b-28a; D, 318a; Ec, 323b; ES, 377a; G, 423a; Ha, 464b; Ho, 481b; N, 574a; Pa, 605b; V, 787b

Tariff: A, 15a, 22ab, 31a; Bo, 40b; Br, 93a; Ca, 127a; Ch, 149b; Co, 199a; D, 306a, 316b; ES, 381b, 388b; Ho, 481b; M, 523a, 533a, 544a, 552a; N, 574b, 585a; Pu, 671b, 679b; US, 700a, 701ab; Uy, 725a, 742a; V, 785b, 788a

Taxation: A, 15a, 16ab, 17a, 19b, 22a; Bo, 35b, 37ab, 40b, 47a, 50ab; Br, 63a-65a, 66ab, 67a, 72a, 93a, 98a, 102b-3a; Ca, 116ab, 121ab, 122b, 125b, 127b; Ch, 140b, 141ab, 149a, 150b, 162a; Co, 171b, 172a, 176b, 178a, 182a, 197a, 198a, 199a; CR, 204b, 205a, 214a; Cu, 228a, 230b, 245b, 250b, 256a, 276ab, 284ab, 285b, 286b, 288b-89a, 293a; D, 305b, 310a, 316b; Ec, 331a, 342a, 349b, 350a, 357b; ES, 369a, 376b, 378b; G, 401b, 404b, 422a, 428b; Ha, 453a, 462ab; Ho, 470b, 475b, 476ab, 481b, 489b; M, 504b, 508b, 512b, 520b, 523a, 525b, 527b-28a, 544a, 552a; N, 558b, 560b, 562a, 563a, 573b, 574b, 585b-86a, 592b; Pa, 610b, 611a, 623a, 641ab; Pr, 653b, 659b, 663a; Pu, 668b-69a, 670b, 679b, 688b, 689ab, 690b; US, 697b, 699b, 700a, 701a, 710a; Uy, 715b, 724b, 726a; V, 775a, 785b, 788a, 794b, 811b-12a, 818a

Teaching; *see* Education

Telegraph: Br, 61a; Ca, 123a; M, 512b; Pr, 647a; Pu, 687a; Uy, 742a; V, 789a

Telephone: Br, 61a; V, 789a

Territories (or equivalent): Br, 60a, 66ab, 70b-71a, 80b, 81a, 83b, 87b, 98a, 100b, 103a; Ec, 323b, 342b, 364b; M, 517b, 523b, 530ab, 532b; Pa, 605b; V, 765a-66a, 780a, 788a, 790a, 791b, 812a

Torture: A, 16*b*; Bo, 35*a*; Ch, 143*b*; CR, 205*b*, 213*a*; Ec, 360*a*; ES, 370*a*; G, 406*a*; Ha, 446*a*; Ho, 473*b*; M, 504*b*; N, 563*b*, 585*b*; Pr, 656*a*; US, 707*b*; V, 770*a*

Trade; *see* Commerce

Trade-marks: Br, 92*a*; Cu, 245*b*; Pa, 630*a*; V, 775*b*

Transportation; *see* Canals; Railways; Roads

Travel, right of: A, 15*b*; Bo, 33*b*; Br, 93*b*, 104*b*; Ch, 142*a*; CR, 206*a*; Cu, 233*b*; D, 300*b*; Ec, 361*a*, 362*ab*; ES, 369*b*; G, 403*a*; Ho, 475*b*-76*a*; M, 501*a*, 544*a*; N, 567*a*; Pa, 609*a*; Pu, 674*a*; Uy, 718*a*; V, 770*b*

Treason: A, 30*b*; Bo, 35*b*, 38*b*; Ca, 113*a*; Ch, 146*b*, 147*a*; Co, 168*a*; CR, 204*b*, 205*a*, 220*b*; Cu, 231*b*; D, 299*b*-300*a*; Ec, 325*a*, 344*a*; G, 400*a*, 426*a*; Ha, 447*a*, 460*a*; Ho, 472*b*; N, 560*a*; Pa, 631*a*; Pr, 657*ab*; Pu, 672*b*; US, 699*a*, 704*ab*, 705*a*; Uy, 717*b*, 727*a*; V, 768*a*, 805*a*

Treasury; *see* Finances

Treaties, concordats, and conventions: A, 17*b*, 18*a*, 23*a*, 28*a*, 31*a*; Bo, 41*a*, 47*a*; Br, 60*b*, 72*b*, 77*a*, 81*b*; Ch, 149*a*, 156*a*; Co, 166*ab*, 171*a*, 173*a*, 177*a*, 186*a*; CR, 203*a*, 204*ab*, 205*a*, 213*a*, 219*a*, 225*ab*; Cu, 227*ab*, 229*b*, 232*b*, 260*ab*; D, 306*b*, 309*b*; Ec, 323*b*, 332*a*, 336*b*, 341*a*; ES, 368*a*, 369*a*, 372*a*, 373*b*, 377*b*, 381*a*, 383*a*; G, 400*a*, 403*a*, 414*a*, 415*b*, 422*b*, 427*b*; Ha, 444*a*, 451*a*, 456*b*-57*a*; Ho, 469*ab*, 471*a*, 475*ab*, 477*b*, 483*a*, 485*a*; M, 501*b*, 528*b*, 533*a*, 537*b*, 544*a*, 552*b*; N, 556*ab*, 559*a*, 573*a*, 582*a*, 584*a*, 600*a*; Pa, 605*ab*, 608*b*, 622*b*, 629*b*; Pr, 653*a*, 654*a*, 663*a*; Pu, 668*b*, 680*a*, 684*b*; US, 701*b*, 703*b*, 704*a*, 706*a*; Uy, 715*b*, 719*a*, 739*a*, 747*b*; V, 764*b*, 765*a*, 767*ab*, 770*b*, 775*b*, 778*b*, 781*a*, 794*ab*, 802*ab*

Trials; *see* Justice, administration of; Procedural rights

Tribunals; *see* Courts

Unemployment: Bo, 51*a*; Br, 96*a*; Ca, 121*b*; Cu, 241*a*; Ec, 256*a*; ES, 392*b*; G, 408*b*; M, 549*b*; N, 565*b*; Pa, 613*b*; Pu, 672*a*; Uy, 720*b*

Unions; *see* Labor, organization of

Universities: Cu, 268*b*, 274*ab*, 281*a*, 290*a*; Ec, 329*a*, 337*b*; G, 412*a*, 414*b*, 421*b*, 437*b*; Pr, 661*a*; Pu, 668*b*; *see also* Education, university or higher

Urbanization: Cu, 277*ab*; D, 319*b*; Pa, 637*a*; V, 783*a*, 789*a*

Usury: Br, 95*a*; N, 564*b*; Uy, 719*b*

Veto; *see* Executive and legislation

Vice-president: Bo, 42*b*, 46*a*; Br, 68*b*, 73*a*, 76*b*, 84*b*, 90*a*, 102*b*; Ch, 153*b*, 154*a*; Cu, 255*a*; Ec, 328*a*, 329*b*, 330*b*, 333*ab*, 339*a*; ES, 376*b*, 377*b*; Ho, 480*b*, 483*b*-84*a*, 486*ab*, 493*b*, 495*b*; Pa, 631*a*; US, 711*a*; Uy, 728*a*, 737*a*

— election of: A, 26*a*-27*a*; Bo, 39*b*, 41*b*; Br, 76*ab*, 89*a*; Cu, 255*b*-56*a*, 261*b*; Ec, 333*a*, 338*b*, 344*b*-45*a*, 364*a*; ES, 376*a*, 379*a*, 395*b*; Ho, 480*a*; Pa, 628*b*, 631*b*-32*a*, 650*b*; Pu, 681*b*, 694*a*; US, 702*ab*, 708*ab*; Uy, 735*b*-36*b*

— functions of: A, 20*a*, 23*a*; Bo, 40*a*; Br, 71*b*, 76*a*; Cu, 261*b*-62*a*; Ec, 334*a*, 340*a*, 344*b*-45*a*, 364*a*; Pa, 631*a*; US, 698*a*, 703*a*, 711*b*; Uy, 727*a*, 735*a*

— qualifications of: A, 25*a*; Br, 76*b*; Cu, 261*b*; Ec, 344*b*, ES, 379*b*; Pa, 628*b*; US, 709*ab*

Voting: Bo, 39*b*; Br, 60*a*, 88*b*; Ca, 114*b*; Ch, 146*b*, 161*b*; Co, 183*b*, 194*b*-95*b*; CR, 210*ab*; Cu, 228*b*, 246*b*-47*a*, 253*a*, 259*b*, 269*a*, 275*a*, 276*b*, 279*b*, 280*b*, 284*a*, 295*a*; D, 302*ab*, 307*b*, 315*a*, 320*a*; Ec, 325*b*-26*a*, 329*a*, 345*a*, 348*a*, 362*a*; ES, 374*a*, 378*a*; G, 399*b*-400*a*, 407*a*, 431*b*; Ha, 461*b*; Ho, 471*b*; M, 515*b*, 535*b*, 542*b*, 551*a*; N, 559*ab*, Pa, 619*a*-20*a*, 635*a*; Pr, 657*a*, 658*a*; Pu, 675*b*; Uy, 722*b*, 760*b*; V, 771*b*, 778*ab*, 780*a*; *see also* Elections

— in legislatures: A, 20*a*, 29*a*; Bo, 44*a*, 48*b*, 57*a*; Br, 68*b*, 69*a*, 71*ab*, 73*b*-74*a*, 78*a*, 105*b*-6*a*; Ca, 113*b*, 115*b*, 119*b*, 121*a*; Ch, 146*a*, 147*a*, 148*a*, 149*b*, 151*a*, 153*ab*, 157*a*, 162*b*, 163*b*; Co, 170*b*, 177*a*, 178*ab*, 179*b*, 181*a*; CR, 205*ab*, 206*a*, 213*ab*, 214*b*, 216*b*, 218*b*, 223*a*, 224*b*-25*b*; Cu, 231*a*, 235*b*, 251*b*, 252*b*, 253*b*, 254*b*, 255*a*, 256*a*, 257*a*, 258*a*, 261*b*, 262*a*, 263*b*, 264*a*, 273*b*, 274*a*, 285*b*, 286*a*, 295*b*; D, 303*b*, 304*ab*, 317*b*, 319*a*, 320*a*; Ec, 334*a*, 349*b*, 363*a*, 364*a*; ES, 374*b*, 395*b*, 396*a*; G, 407*a*, 418*b*, 421*ab*, 422*a*-23*b*, 424*b*, 430*b*, 440*b*; Ha, 451*b*, 454*b*-55*a*, 460*b*, 465*b*; Ho, 478*a*, 482*a*, 495*a*; M, 522*ab*, 524*a*, 529*a*, 541*b*, 552*b*; N, 559*a*, 570*b*, 571*a*, 573*a*, 575*b*, 577*ab*, 578*b*, 588*b*, 595*a*, 601*b*; Pa, 623*b*, 624*b*, 626*b*, 627*b*; Pr, 662*a*, 663*b*, 665*b*; Pu, 683*a*, 689*b*, 693*b*; US, 698*a*-700*a*, 703*b*, 705*b*, 709*b*; Uy, 722*b*-23*a*, 724*b*, 725*ab*, 726*a*, 727*b*, 728*b*, 729*b*, 730*a*, 731*a*, 732*b*-33*a*, 734*a*, 736*ab*, 738*a*, 740*a*, 742*ab*, 743*a*, 745*b*, 754*b*, 755*a*, 758*a*, 759*b*-60*b*; V, 789*b*, 792*a*, 793*a*, 796*b*, 806*b*

— qualifications for: Bo, 38*b*; Br, 88*ab*; Ca, 115*a*, 120*ab*, 132*b*; Ch, 140*a*; Co,

Voting, qualifications for (*Cont.*)

168*b*, 194*b*; CR, 210*b*; Cu, 247*a*; D, 315*b*; Ec, 325*ab*; ES, 387*a*; Ho, 472*a*; Pu, 675*a*; US, 697*a*, 709*ab*, 710*ab*, 711*a*; Uy, 722*a*; V, 778*ab*

Wages and salaries: Bo, 51*a*; Br, 95*b*; CR, 208*a*, 209*a*; Cu, 231*a*, 240*b*-41*a*, 242*a*, 243*a*, 248*a*, 273*b*, 277*a*, 281*b*, 283*a*; D, 300*a*; Ec, 358*b*, 359*b*-60*a*, 361*b*; ES, 369*b*, 377*a*, 393*a*; G, 409*a*-10*b*; Ha, 462*a*; Ho, 494*ab*; M, 501*a*, 504*b*, 546*ab*, 549*a*; N, 565*a*; Pa, 613*b*-14*a*, 622*a*, 629*b*, 648*a*; Pu, 672*a*; Uy, 744*b*-45*a*, 755*a*; V, 774*b*-75*a*

War: Bo, 35*b*, 36*b*, 37*b*, 38*b*, 48*a*, 56*b*; Br, 60*b*, 61*ab*, 62*a*, 64*a*, 75*a*, 77*b*, 83*a*, 91*ab*, 93*a*, 99*a*, 100*ab*, 104*a*, 105*a*; Ch, 140*a*, 145*b*, 150*a*, 156*a*, Co, 168*a*, 170*a*-71*a*, 185*ab*, 186*ab*; CR, 206*a*, 214*a*, 220*a*; Cu, 226*a*, 231*b*, 235*b*, 272*b*, 288*a*, 293*b*; D, 299*b*-300*a*, 310*a*; Ec, 342*b*, 344*a*, 354*a*; ES, 371*a*, 376*b*, 380*b*, 381*a*, 382*a*, 388*b*, 390*b*; G, 400*a*, 408*a*, 412*b*, 416*b*, 423*a*, 434*a*; Ha, 447*b*; Ho, 470*a*, 485*b*, 491*b*, 492*a*, 493*b*; M, 504*b*, 544*b*, 547*b*; N, 556*b*, 560*a*, 562*b*, 568*b*, 571*a*, 574*b*, 583*a*, 585*b*-86*a*; Pa, 608*b*, 611*a*; Pr, 660*a*; US, 701*b*, 707*a*; V, 764*b*, 768*a*, 771*a*, 777*a*, 785*a*, 803*b*

—, declaration of: A, 23*b*, 28*b*, 31*b*; Bo, 42*a*; Br, 72*b*, 77*ab*; Ch, 150*a*, 155*b*; Co, 181*a*, 185*b*; CR, 213*a*, 219*b*; Cu, 257*a*; D, 310*a*; Ec, 334*a*; ES, 377*a*; G, 423*b*; Ha, 457*a*; Ho, 481*a*, 485*a*; M, 526*a*, 533*a*; N, 573*b*, 584*a*; Pa, 622*b*; Pr, 659*b*, 663*a*; Pu, 680*a*; US, 700*b*; Uy, 724*b*, 738*b*

Waters; *see* Resources, natural

Weights and measures: A, 22*b*; Bo, 40*b*; Br, 61*b*; Ca, 122*a*; Ch, 150*a*; Co, 176*b*;

Weights and measures (*Cont.*)

CR, 215*a*; Cu, 256*b*; Ec, 332*a*; ES, 377*a*; G, 422*b*; Ho, 481*b*, 486*a*; M, 526*b*; N, 573*b*, 584*b*; Pr, 654*a*; Pu, 679*b*; US, 700*a*; Uy, 725*a*; V, 788*a*

Welfare, public and social: A, 22*a*; Bo, 49*a*, 54*b*; Br, 67*a*, 76*b*, 91*b*, 94*a*; Ch, 142*a*; Co, 168*b*-69*a*, 170*a*, 171*a*, 177*a*; Cu, 227*a*, 231*b*, 245*a*, 293*a*; Ec, 342*a*, 354*b*, 357*a*, 358*a*; G, 402*a*, 407*a*, 410*b*, 413*b*, 416*a*; M, 513*a*, N, 562*a*; Pa, 611*a*, 617*b*-18*a*; Pu, 688*b*; V, 782*b*, 789*a*

Women: Br, 99*b*; CR, 204*a*; Cu, 229*ab*, 236*b*, 242*a*, 249*b*; D, 301*b*; Ec, 358*b*; ES, 372*b*, 393*a*, G, 399*ab*, 410*ab*; Ho, 494*b*; M, 514*a*, 542*a*, 546*ab*; N, 557*b*, 559*a*, 565*a*, 566*a*, 574*a*, 597*b*; Pa, 614*b*; Pr, 655*b*; Pu, 668*b*, 675*a*, 690*b*; Uy, 718*b*, 719*b*; V, 767*ab*, 774*b*; *see also* Maternity

Work, hours of: Bo, 51*a*; Br, 95*b*-96*a*; Cu, 241*ab*; D, 300*a*; Ec, 358*b*-59*a*; ES, 393*a*; G, 409*a*-10*a*; Ho, 494*b*; M, 545*b*-46*b*; N, 565*a*; Pa, 614*ab*; Uy, 719*b*; V, 774*ab*

—, regulation of: Bo, 51*a*; Br, 94*a*, 95*b*-96*a*; Co, 168*b*, 170*b*; CR, 208*a*-9*a*; Cu, 240*b*-44*b*, 256*b*; D, 300*a*; Ec, 358*b*-60*a*; ES, 392*b*-93*b*; G, 408*b*-12*b*, 417*a*; Ha, 447*a*; Ho, 494*ab*; M, 515*b*, 526*a*, 545*b*-49*b*; N, 565*ab*; Pa, 614*a*-15*a*; Pu, 671*b*-72*a*, 688*b*; Uy, 719*b*, 720*b*; V, 772*a*, 774*a*-75*a*, 789*a*

—, right to: A, 15*b*; Bo, 33*b*, 50*b*; Br, 94*a*; Ch, 142*ab*; CR, 208*a*; Cu, 228*b*, 240*ab*; D, 299*b*; Ec, 355*a*, 358*b*, 361*b*; ES, 369*ab*; G, 408*b*, 417*a*; Ha, 447*a*; M, 499*b*; N, 564*b*; Pa, 613*b*; Pr, 655*a*; Pu, 671*b*; Uy, 711*b*, 718*a*, 719*b*

—, social function of: CR, 208*a*; Ec, 355*a*; ES, 392*b*; G, 408*b*; N, 564*b*; Pa, 613*b*; Pr, 655*b*; Uy, 719*b*; V, 774*a*

